

HOUSE JOURNAL
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AT
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VOLUME II

1990 Regular Session
Convened January 8, 1990
Adjourned Sine Die March 8, 1990

1990 First Special Session
Convened March 9, 1990
Adjourned Sine Die April 1, 1990

1990 Second Special Session
Convened June 5, 1990
Adjourned Sine Die June 5, 1990



Joseph E. King, *Speaker*
John L. O'Brien, *Speaker Pro Tempore*
Alan Thompson, *Chief Clerk*
Dennis Karras, *Deputy Chief Clerk*
Patsy Ellis, *Minute/Journal Clerk*

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Alan Thompson, *Chief Clerk*

Patsy Ellis, *Minute/Journal Clerk*

FIFTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, February 27, 1990

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Chandler, Schmidt and Zellinsky. On motion of Ms. Miller, Representative Chandler was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Preston Sprengle and Christa Fuhrman. Prayer was offered by the Reverend Daniel Secrist, Minister of Faith Assembly Church of Lacey.

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

MESSAGE FROM THE SENATE

February 26, 1990

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 6291,
SUBSTITUTE SENATE BILL NO. 6312,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429,
SENATE CONCURRENT RESOLUTION NO. 8436,
REENGROSSED HOUSE BILL NO. 1055,
SUBSTITUTE HOUSE BILL NO. 1264,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1394,
HOUSE BILL NO. 1523,
HOUSE BILL NO. 1571,
ENGROSSED HOUSE BILL NO. 1703,
ENGROSSED HOUSE BILL NO. 1881,
HOUSE BILL NO. 2032,
ENGROSSED HOUSE BILL NO. 2260,
HOUSE BILL NO. 2265,
HOUSE BILL NO. 2276,
HOUSE BILL NO. 2292,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2293,
SUBSTITUTE HOUSE BILL NO. 2337,
HOUSE BILL NO. 2410,
SUBSTITUTE HOUSE BILL NO. 2933,
REENGROSSED HOUSE JOINT RESOLUTION NO. 4203,
HOUSE CONCURRENT RESOLUTION NO. 4432,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTIONS AND FIRST READING

HB 3026 by Representatives Todd, Hankins and Anderson; by request of Secretary of State

AN ACT Relating to archives and records management; and amending RCW 40.14.020.

Referred to Committee on State Government.

HCR 4435 by Representatives Pruitt, Phillips and Dellwo

Establishing the Joint Select Committee on Washington 2000.

Referred to Committee on State Government.

2SSB 6291 by Committee on Ways & Means (originally sponsored by Senators Hansen, Barr and Rasmussen)

Regulating purple loosestrife.

Referred to Committees on Agriculture & Rural Development/Appropriations.

SSB 6312 by Committee on Health & Long-Term Care (originally sponsored by Senators West, Kreidler and Rasmussen; by request of Department of Social and Health Services)

Making technical changes to alcohol and drug treatment laws.

Referred to Committee on Human Services.

SSCR 8429 by Committee on Children & Family Services (originally sponsored by Senators Smith, Vognild, Bailey, Stratton and Conner)

Creating the Washington State Adoption Commission.

Referred to Committee on Human Services.

SCR 8436 by Senator Owen

Honoring the Simpson Investment Company.

Referred to Committee on Commerce & Labor.

MOTION

On motion of Mr. Heavey, the bills and resolutions listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

MOTION

On motion of Ms. Miller, Representatives Schmidt and Zellinsky were excused.

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider Senate Joint Memorial No. 8020 on the second reading calendar. The motion was carried.

SENATE JOINT MEMORIAL NO. 8020, by Senators Thorsness, Vognild, Nelson, Bender, Amondson, Gaspard, Metcalf, Patterson, Conner, Benitz, Wojahn, Cantu, Bauer, Saling, Warnke, Johnson, Barr, Stratton, Bluechel, Smith, Kreidler, Anderson, Moore, Newhouse, Craswell, Bailey, Sellar, Sutherland, Madsen, Murray, Talmadge, West, Rasmussen, Patrick, von Reichbauer, Lee and Fleming

Requesting Congress to make disclosure regarding missing in action/prisoner of war Americans.

The memorial was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives Todd, McLean and Crane spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8020, and the memorial passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 95.

Excused: Representatives Chandler, Schmidt, Zellinsky - 3.

Senate Joint Memorial No. 8020, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5487, by Senators McCaslin, DeJarnatt and Thorsness

Requiring real estate licensees to disclose certain information in writing.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 46th Day, February 22, 1990.)

Ms. Cole moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Cole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5487 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 95.

Excused: Representatives Chandler, Schmidt, Zellinsky - 3.

Senate Bill No. 5487 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Heavey moved that the House defer consideration of Engrossed Substitute Senate Bill No. 5545 and that the bill hold its place on the second reading calendar. The motion was carried.

THIRD SUBSTITUTE SENATE BILL NO. 5550, by Committee on Ways & Means (originally sponsored by Senators Lee, Williams and Fleming)

Providing a procedure for the classification and valuation of property devoted primarily to low-income housing.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 46th Day, February 22, 1990.) Committee on Revenue recommendation: Majority, do pass as amended by Committee on Housing.

Ms. Nutley moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute Senate Bill No. 5550 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 3; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 92.

Voting nay: Representatives Fuhrman, Holland, Horn - 3.

Excused: Representatives Chandler, Schmidt, Zellinsky - 3.

Third Substitute Senate Bill No. 5550 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6031, by Committee on Law & Justice (originally sponsored by Senators Nelson, Rasmussen, Talmadge and von Reichbauer)

Establishing voter registration availability with driver's licensing.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

Mr. Todd moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Todd, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Todd, McLean and Horn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6031 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 95.

Excused: Representatives Chandler, Schmidt, Zellinsky - 3.

Substitute Senate Bill No. 6031 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6172, by Senators Sellar, Sutherland, McCaslin and Barr

Revising provisions for environmental coordination procedures.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 23, 1990.)

Ms. Rust moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and D. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6172 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 95.

Excused: Representatives Chandler, Schmidt, Zellinsky - 3.

Engrossed Senate Bill No. 6172 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6200, by Senators Smitherman, Lee and Conner

Extending the final report date and expiration date of the task force on ports and local associate development organizations.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cantwell and Tate spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6200, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 95.

Excused: Representatives Chandler, Schmidt, Zellinsky - 3.

Senate Bill No. 6200, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6210, by Senators Saling, Kreidler and Johnson

Amending sunset provisions for radiologic technologists.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Day spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6210, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn,

Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 95.

Excused: Representatives Chandler, Schmidt, Zellinsky - 3.

Senate Bill No. 6210, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6327, by Senators McCaslin, Sutherland, Saling and Thorsness; by request of Washington State Patrol

Exempting certain state patrol from the civil service.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Todd spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6327, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 95.

Excused: Representatives Chandler, Schmidt, Zellinsky - 3.

Senate Bill No. 6327, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6354, by Senator Barr; by request of Department of Agriculture

Removing newspaper publication requirements for hearings on apple grades and size standards.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn, Baugher and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6354, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 95.

Excused: Representatives Chandler, Schmidt, Zellinsky - 3.

Senate Bill No. 6354, having received the constitutional majority, was declared passed.

Representative Zellinsky appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 6377, by Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, DeJarnatt, Vognild and Kreidler)

Creating penalties for violations of fisheries laws.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

Mr. R. King moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. R. King, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. R. King spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6377 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R, Forner, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Fuhrman, Youngsman - 2.

Excused: Representatives Chandler, Schmidt - 2.

Substitute Senate Bill No. 6377 as amended by the House, having received the constitutional majority, was declared passed.

Representative Schmidt appeared at the bar of the House.

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

REPORTS OF STANDING COMMITTEES

February 26, 1990

HB 2230 Prime Sponsor, Representative Locke: Relating to health care. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Silver, Ranking Republican Member; Appelwick, Belcher, Brekke, Dorn, Ebersole, Hine, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Youngsman, Assistant Ranking Republican Member; Bowman, Doty, Inslee, McLean, Nealey and Padden.

Voting nay: Representatives Youngsman, Assistant Ranking Republican Member; Bowman, McLean and Nealey.

Absent: Representatives Grant, Vice Chair; Brough, Ferguson, Holland, May and Padden.

Passed to Committee on Rules for second reading.

February 26, 1990

HB 2370 Prime Sponsor, Representative Pruitt: Promoting community service. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Appelwick, Belcher, Brekke, Dorn, Ebersole, Hine, Inslee, Peery, Rust, Sayan, Spanel, Sprenkle, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Bowman, Doty, McLean, Nealey and Padden.

Absent: Representatives Grant, Vice Chair; H. Sommers, Vice Chair; Braddock, Brough, Ferguson, Holland and May.

February 26, 1990

HB 2393 Prime Sponsor, Representative Sayan: Changing provisions relating to the family independence program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Appelwick, Belcher, Bowman, Brekke, Dorn, Ebersole, Hine, Inslee, Peery, Rust, Sayan, Spanel, Valle, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Youngsman, Assistant Ranking Republican Member; Doty, McLean, Nealey and Padden.

Voting nay: Representatives Silver, Ranking Republican Member; Youngsman, Assistant Ranking Republican Member; Doty, McLean, Nealey and Padden.

Absent: Representatives Grant, Vice Chair; H. Sommers, Vice Chair; Braddock, Brough, Ferguson, Holland and May.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Heavey, the bills listed on today's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 1:45 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 1:45 p.m.

The Speaker declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider Substitute Senate Bill No. 6463 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 6463, by Committee on Higher Education (originally sponsored by Senators Saling, Rinehart, Smitherman, Bauer, Stratton, Talmadge and Johnson)

Granting a greater voice to students in recommending budgets for services and activities fees.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Mr. Jacobsen yielded to question by Mr. Prince.

Mr. Prince: Representative Jacobsen, this bill states that in the event of a dispute or disputes involving the Services and Activities Fee Committee recommendations, a Dispute Resolution Committee shall be convened by the Chair of the Services and Activities Fee Committee and that the committee will consist of two college or university administrators, acting as advisory members, three student members from the Services and Activities Fee Committee and three voting members to be appointed by the Governing Board. My question is: Are the members of the Dispute Resolution Committee, which are appointed by the Governing Board, to be Governing Board members?

Mr. Jacobsen: Representative Prince, yes. It is the intent of the Legislature that the Governing Board appoint three members of their own body to sit on the Dispute Resolution Committee and to meet in good faith to settle by vote any and all disputes.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6463, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 6463, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6528, by Senator Patterson

Revising vessel pilots' license qualifications.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 44th Day, February 20, 1990.)

Mr. Baugher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6528 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Senate Bill No. 6528 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6531, by Committee on Transportation (originally sponsored by Senator Patterson)

Authorizing port districts to spend money on road improvements.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Cooper spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6531, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 6531, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6549, by Senators Smith, Sutherland and Bauer

Changing the term "salary" to "compensation" for public utility district employees.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Cooper spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Cooper yielded to question by Mr. Ferguson.

Mr. Ferguson: Representative, is it correct to say this bill merely clarifies what public utility districts may already lawfully undertake, namely negotiating competitive, fair market terms of employment between the district and its general manager, just as any school district or port district, or for that matter any competing private utility, may do?

Mr. Cooper: Yes.

Mr. Ferguson: And this is because a public utility district acts in its proprietary or business capacity when it negotiates the terms of employment with its general manager and because of the express mandate for liberal construction of public utility district powers found in the public utility district initiative originally enacted by the voters in 1931 and also found in RCW 54.44.900?

Mr. Cooper: Absolutely.

Mr. Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6549, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery,

Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zöllinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Senate Bill No. 6549, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6573, by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Williams, Patrick and Stratton)

Revising the administration of the energy facility site evaluation council.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Nelson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6573, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zöllinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 6573, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6575, by Committee on Energy & Utilities (originally sponsored by Senators Benitz and Williams; by request of Department of Ecology)

Revising liability requirements for nuclear operations.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

Mr. Nelson moved adoption of the committee amendment and spoke in favor of it.

POINT OF INQUIRY

Mr. Nelson yielded to question by Ms. Hankins.

Ms. Hankins: Is it the intent of the striking amendment that the Departments of Health and Ecology follow the Administrative Procedures Act in notifying permittees and licensees of the required amounts of liability coverage and if this amount is challenged by a permittee or licensee?

Mr. Nelson: Yes, it is the intent of this striking amendment that both the Department of Health and the Department of Ecology follow the Administrative Procedures Act in notifying licensees and permittees and in handling any challenges to the required amounts.

Ms. Hankins spoke in favor of adoption of the committee amendment, and it was adopted.

On motion of Mr. Nelson, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6575 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 6575 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6594, by Committee on Ways & Means (originally sponsored by Senators Johnson, Saling, Moore, Niemi, Nelson, Bauer, Rasmussen, Patrick and Smith; by request of Joint Committee on Pension Policy)

Changing provisions relating to the department of retirement systems.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Hine spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6594, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 6594, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6600, by Committee on Ways & Means (originally sponsored by Senators Gaspard and McDonald; by request of Economic and Revenue Forecast Council)

Modifying contribution rates to the state retirement systems.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hine and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6600, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean,

Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D. Sommers H. Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K. Wilson S. Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 6600, having received the constitutional majority, was declared passed.

MOTION

Mr. Heavey moved that the House defer consideration of Substitute Senate Bill No. 6664 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 6681, by Committee on Education (originally sponsored by Senator Lee)

Changing provisions relating to the lease or rental of surplus real property owned by a school district.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 46th Day, February 22, 1990.)

Mr. G. Fisher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6681 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Pruitt - 1.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 6681 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6713, by Committee on Environment & Natural Resources (originally sponsored by Senators Smith, Sutherland, Owen, Amondson and Bauer)

Prohibiting the use of styrofoam containers for fishing bait.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 46th Day, February 22, 1990.)

Mr. R. King moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. R. King, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. King, Crane, Basich and Bowman spoke in favor of passage of the bill, and Representatives Rust, Padden, May and R. Meyers opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6713 as amended by the House, and the bill passed the House by the following vote: Yeas, 63; nays, 34; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brooks, Brough, Brumsickle, Cantwell, Cole, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Gallagher, Grant, Heavey, Hine, Holland, Jacobsen, Jesernig, Jones, King P, King R, Locke, Miller, Myers H, Nealey, Nelson, O'Brien, Peery, Phillips, Prince, Pruitt, Rayburn, Rector, Schmidt, Scott, Silver, Smith, Sprenkle, Todd, Valle, Van Luven, Vekich, Wang, Wilson K, Wineberry, Wood, Zellinsky, and Mr. Speaker - 63.

Voting nay: Representatives Brekke, Cooper, Fraser, Fuhrman, Hankins, Hargrove, Haugen, Horn, Insee, Kirby, Kremen, Leonard, May, McLean, Meyers R, Morris, Moyer, Nutley, Padden, Prentice, Raiter, Rasmussen, Rust, Sayan, Schoon, Sommers D, Sommers H, Spanel, Tate, Walker, Wilson S, Winsley, Wolfe, Youngsman - 34.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 6713 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6727, by Senators Kreidler, Metcalf and DeJarnatt

Regulating sale of valuable material, including shellfish, from state-owned aquatic lands.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 46th Day, February 22, 1990.)

Ms. K. Wilson moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Ms. K. Wilson, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. K. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6727 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Senate Bill No. 6727 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of Substitute Senate Bill No. 6792 and that the bill hold its place on the second reading calendar. The motion was carried.

MOTION

On motion of Ms. Miller, Representatives Doty, Moyer and Zellinsky were excused.

SUBSTITUTE SENATE BILL NO. 6859, by Committee on Ways & Means (originally sponsored by Senators McDonald, Gaspard, Hayner, Vognild, Bluechel, Sellar, Warnke, Saling, Owen, Cantu, Amondson, Johnson, Moore, Newhouse, Smith, Bauer and Sutherland)

Clarifying the tax status of computer software.

The bill was read the second time. Committee on Revenue recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 23, 1990.)

Mr. Pruitt moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Pruitt, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Pruitt and Holland spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6859 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 94.

Excused: Representatives Chandler, Doty, Moyer, Zellinsky - 4.

Substitute Senate Bill No. 6859 as amended by the House, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8025, by Senators von Reichbauer, Moore, Sutherland, Fleming and Gaspard

Petitioning Congress to support the earthquake project.

The memorial was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives Dellwo and Padden spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8025, and the memorial passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 94.

Excused: Representatives Chandler, Doty, Moyer, Zellinsky - 4.

Senate Joint Memorial No. 8025, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212, by Committee on Ways & Means (originally sponsored by Senators Lee, Williams and Fleming)

Amending the Constitution to allow property devoted to low-income housing to be taxed based on its current use value.

The resolution was read the second time. Committee on Housing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 50th Day, February 26, 1990.)

Ms. Nutley moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Ms. Nutley spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Joint Resolution No. 8212 as amended by the House, and the resolution passed the House by the following vote: Yeas, 92; nays, 2; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 92.

Voting nay: Representatives Fuhrman, Holland - 2.

Excused: Representatives Chandler, Doty, Moyer, Zellinsky - 4.

Second Substitute Senate Joint Resolution No. 8212 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

MOTION

Mr. Ebersole moved that the House immediately consider Substitute Senate Bill No. 6407 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 6407, by Committee on Ways & Means (originally sponsored by Senators McDonald, Gaspard, Rasmussen and Conner; by request of Governor)

Adopting the supplemental operating budget.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 50th Day, February 26, 1990.)

Mr. Locke moved adoption of the committee amendment.

Mr. Fuhrman moved adoption of the following amendment by Representatives Fuhrman, Nealey, Ballard, McLean, Ferguson, S. Wilson, Silver, Bowman, Forner, Padden, Schmidt, Tate, Brumsickle, Horn, Moyer, Wolfe, Holland, D. Sommers, Youngsman, Beck, Wood, Hankins, Smith, Betrozoff and Schoon to the committee amendment:

On page 3, after line 13 of the amendment, insert:

"(4) \$320,000 of the general fund appropriation shall not be expended until the 'Twelve Labors of Hercules' murals are permanently removed from the house chambers in the legislative building."

Mr. Fuhrman spoke in favor of adoption of the amendment to the committee amendment.

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

Representatives O'Brien, Crane and Wineberry spoke against adoption of the amendment to the committee amendment, and Representatives Silver and Padden spoke in favor of it.

Mr. Appelwick demanded the previous question, and the demand was not sustained.

Representatives Wang and Nelson spoke against adoption of the amendment to the committee amendment, and Representatives S. Wilson, Schoon, Bowman, Horn and Beck spoke in favor of it.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 3, after line 13, by Representative Fuhrman and others to the committee amendment to Substitute Senate Bill No. 6407, and the amendment to the committee amendment was not adopted by the following vote: Yeas, 32; nays, 61; absent, 1; excused, 4.

Voting yea: Representatives Ballard, Baugher, Beck, Betzoff, Bowman, Brooks, Brumsickle, Ferguson, Former, Fuhrman, Hankins, Hargrove, Holland, Horn, Kremen, May, McLean, Nealey, Padden, Prince, Rector, Schmidt, Schoon, Silver, Smith, Tate, Van Luven, Walker, Wilson S. Wolfe, Wood, Youngsman - 32.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bennett, Braddock, Brekke, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Leonard, Locke, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 61.

Absent: Representative Sommers D - 1.

Excused: Representatives Chandler, Doty, Moyer, Zellinsky - 4.

STATEMENT FOR THE JOURNAL

I failed to vote on the amendment by Representative Fuhrman and others to the committee amendment to Substitute Senate Bill No. 6407, but meant to vote "Yes."

DUANE SOMMERS, 6th Legislative District.

Mr. Pruitt moved adoption of the following amendments to the committee amendment:

On page 3, after line 13 of the amendment, insert:

(4) The joint select committee on Washington 2000 shall develop a plan and make recommendations for the implementation of an executive and legislative strategic planning process for the adoption of public policy and the funding of state programs. The plan shall address the role of the executive and legislative branches in strategic planning, identify methods to provide for citizen input, and make recommendations regarding the structures and processes that could be used by the executive branch and by the legislature, including the budget-setting process, to adopt and implement such a strategic plan. The committee shall submit a preliminary report of findings and recommendations to the 1991 legislature.

On page 3, beginning on line 26 of the amendment, strike all of subsection (3)

Mr. Pruitt spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Appelwick moved adoption of the following amendments by Representatives Appelwick and Locke to the committee amendment:

On page 5, line 24 of the amendment, increase the public safety and education account appropriation by \$2,200,000

On page 5, line 26 of the amendment, increase the total appropriation by \$2,200,000

On page 8, after line 25 of the amendment, insert:

(15) \$2,200,000 from the public safety and education account appropriation is provided solely for civil legal representation for indigents pursuant to Engrossed Substitute House Bill No. 1237. Of this amount, the administrator for the court may not expend more than the amount collected through fees for this purpose under Engrossed House Bill No. 1237. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Representatives Appelwick and Silver spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Wineberry moved adoption of the following amendment by Representatives Wineberry, Locke and Appelwick to the committee amendment:

On page 8, line 7 of the amendment, after "(a)" strike all material through "lapse," on line 15, and insert "A maximum of \$150,000 may be expended to support creation of a Washington state minority justice commission to examine issues of racism and discrimination in the courts, and to implement the recommendations of the minority and justice task force; and (b) \$50,000 is provided solely for the office of the administrator for the courts to develop standards for a minority employment and recruitment program to increase minority representation in the courts."

Mr. Wineberry spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Youngsman moved adoption of the following amendments by Representatives Youngsman, Betrozoff, Tate, S. Wilson, Schmidt, Beck and Wood to the committee amendment:

On page 10, line 23 of the amendment, increase the general fund-state appropriation by \$150,000

On page 10, line 31 of the amendment, increase the total appropriation by \$150,000

On page 12, after line 4, insert:

"(6) \$150,000 of the general fund-state appropriation is provided solely to notify all owners of privately owned tidelands, and owners of waterfront uplands adjacent to public or privately owned tidelands, of the impending declaratory judgment involving shellfish harvesting or access rights."

Representatives Youngsman, Ballard and Betrozoff spoke in favor of adoption of the amendments to the committee amendment, and Representatives Belcher and Insee spoke against them.

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

Mr. Youngsman again spoke in favor of adoption of the amendments to the committee amendment, and Ms. Belcher again opposed them. Mr. Padden spoke in favor of the amendments to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendments on page 10, lines 23 and 31, and page 12, after line 12, by Representative Youngsman and others to the committee amendment to Substitute Senate Bill No. 6407, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 41; nays, 53; excused, 4.

Voting yea: Representatives Ballard, Beck, Bennett, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Ferguson, Forner, Fuhrman, Grant, Hankins, Haugen, Holland, Horn, Jones, Kremen, May, McLean, Meyers R, Miller, Nealey, Padden, Phillips, Prince, Pruitt, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Vekich, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 41.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Hargrove, Heavey, Hine, Insee, Jacobsen, Jesernig, King P, King R, Kirby, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Prentice, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Wang, Wilson K, Wineberry, and Mr. Speaker - 53.

Excused: Representatives Chandler, Doty, Moyer, Zelliinsky - 4.

Ms. Forner moved adoption of the following amendments by Representatives Forner, Beck, Tate, Brough, Padden, Moyer, Wolfe, Horn and Wood to the committee amendment:

On page 10, line 23 of the amendment, increase the general fund-state appropriation by \$350,000

On page 10, line 31 of the amendment, increase the total appropriation by \$350,000

On page 12, after line 4 of the amendment, insert:

"(6) \$350,000 of the general fund-state appropriation is provided solely for grants to local governments for the operating expenses of crime stoppers programs to increase public awareness and assistance in solving crimes. The attorney general shall seek a geographic distribution of the grants under this subsection and may require matching funds from the local governments. No more than \$28,000 of the amount provided in this subsection may be expended by the attorney general for administrative expenses."

Representatives Forner and Horn spoke in favor of adoption of the amendments to the committee amendment, and Mr. Wineberry spoke against them.

The amendments to the committee amendment were not adopted.

Ms. Belcher moved adoption of the following amendment by Representatives Belcher, Locke and Miller to the committee amendment:

On page 26, line 27, after "for" strike all of the language through "diseases" on line 28 and insert "additional funding for the annual family planning service package and services related to sexually transmitted diseases. The department shall ensure that this additional funding is not used to supplant current funding efforts"

Representatives Belcher and Silver spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Wolfe moved adoption of the following amendment to the committee amendment:

On page 26, line 28, after "diseases." insert "Not less than \$500,000 of the amount in this subsection (24) shall be used for contact tracing for sexually transmitted diseases."

Representatives Wolfe and Padden spoke in favor of adoption of the amendment to the committee amendment, and Ms. Belcher opposed it.

The amendment to the committee amendment was not adopted.

Ms. K. Wilson moved adoption of the following amendments by Representatives K. Wilson, R. King, P. King, McLean, Kremen, Cantwell, Haugen, Braddock, Spanel, Beck, Nealey, S. Wilson, Youngsman and Ballard to the committee amendment:

On page 30, line 24, increase the general fund-state appropriation by \$2,200,000

On page 30, line 29, increase the total appropriation by \$2,200,000

On page 31, line 21 after "contract." strike all of the language through "1990." on line 26 and insert "((The secretary shall negotiate contracts with networks from areas comprising no more than two-thirds of the state's population. Contracts shall be negotiated in at least two competitive rounds. The first round of contracts shall be effective no later than January 1, 1990. The last round of contracts shall be effective no later than March 1, 1990.)) The secretary shall negotiate contracts only with networks that received recognition as of January 1, 1990. Funding for networks that were recognized but not funded in January 1990, shall commence January 1, 1991."

Representatives K. Wilson, Locke and Beck spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Ms. Morris moved adoption of the following amendment by Representatives Morris and Locke to the committee amendment:

On page 33, line 36, after "violence" strike all of the language through "1990" on page 34, line 2

Ms. Morris spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Ferguson moved adoption of the following amendments by Representatives Ferguson, May, D. Sommers, Wood, Van Luven and Betrozoff to the committee amendment:

On page 35, line 34, increase the general fund-state appropriation by \$500,000

On page 36, line 3, increase the total appropriation by \$500,000

On page 37, after line 13, insert:

"(h) \$1,000,000 of the general fund-state appropriation is provided solely for an increase in the capacity of the early intervention program for children from birth to three years of age who are developmentally delayed."

Mr. Ferguson spoke in favor of adoption of the amendments to the committee amendment, and Ms. Leonard spoke against them.

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

ROLL CALL

The Clerk called the roll on adoption of the amendments on page 35, line 34, page 36, line 3, and page 37, after line 13, by Representative Ferguson and others to the committee amendment to Substitute Senate Bill No. 6407, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 37; nays, 56; absent, 1; excused, 4.

Voting yeas: Representatives Ballard, Beck, Bennett, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Ferguson, Forner, Fuhrman, Grant, Hankins, Haugen, Holland, Horn, Jones, May,

McLean, Miller, Nealey, Padden, Prince, Pruitt, Schmidt, Schoon, Silver, Smith, Sommers D. Tate, Van Luvven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 37.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Hargrove, Heavey, Hine, Inslee, Jacobsen, Jesernig, King P, King R, Kirby, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Valle, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 56.

Absent: Representative Todd - 1.

Excused: Representatives Chandler, Doty, Moyer, Zellinsky - 4.

Ms. Scott moved adoption of the following amendments by Representatives Scott and Locke to the committee amendment:

On page 47, line 29, following "addiction," insert "Up to \$500,000 of the general fund-state appropriation shall be transferred to the division of children and family services to provide specialized support and services to foster parents of these specialized needs babies. The support and services may include case management services, personal care services, specialized medical equipment, training, respite services and counseling services. The department shall prospectively reimburse foster care providers of infants and children affected by maternal use of or exposure to alcohol, drugs, or AIDS."

On page 47, line 33, following "setting," insert "Transfer of the amounts under this subsection shall continue only if the department is able to demonstrate savings."

Representatives Scott and Locke spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Wolfe moved adoption of the following amendments to the committee amendment:

On page 53, line 17, increase the general fund-state appropriation by \$30,000

On page 53, line 21, increase the total appropriation by \$30,000

On page 54, after line 32, insert:

"(12) \$30,000 of the general fund-state appropriation is provided solely for genetic counseling services through Genetic Clinic in Spokane."

Mr. Wolfe spoke in favor of adoption of the amendments to the committee amendment, and Mr. Braddock spoke against them.

The amendments to the committee amendment were not adopted.

Mr. Locke moved adoption of the following amendments by Representatives Locke and Appelwick to the committee amendment:

On page 8, after line 25 of the amendment, insert the following:

"Sec. 109, Section 113, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation—State	\$	((11,894,000))
		12,154,000
General Fund Appropriation—Federal	\$	27,779,000
Total Appropriation	\$	((39,673,000))
		39,933,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$182,000 of the general fund—state appropriation is provided solely for mansion maintenance.

(2) \$421,000 of the general fund—state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

(3) \$225,000 of the general fund—state appropriation is provided solely for the administration and activities of a governor's commission on African-American affairs.

(4) \$260,000 of the general fund—state appropriation is provided solely to establish and operate a crime victims' advocacy office pursuant to Engrossed Second Substitute Senate Bill No. 6259.*

Renumber sections consecutively and correct internal references accordingly.

On page 10, line 23 of the amendment, increase the general fund—state appropriation by \$760,000

On page 10, line 31 of the amendment, increase the total appropriation by \$760,000

On page 11, line 8 of the amendment, strike "\$181,000" and insert "~~((181,000))~~ 941,000"

On page 11, line 13 of the amendment, after "include" strike "the violent crimes of rape, robbery, and arson" and insert "~~((the violent crimes of rape, robbery, and arson))~~ sexual

offenses and other serious violent crimes pursuant to Engrossed Second Substitute Senate Bill No. 6259"

On page 11, line 21 of the amendment, after "patrol." insert "\$760,000 of the amount provided in this subsection shall not be expended until the report is submitted to the legislature."

On page 22, line 27 of the amendment, increase the general fund—state appropriation by \$2,896,000

On page 22, line 35 of the amendment, increase the total appropriation by \$2,896,000

On page 28, after line 23 of the amendment, insert the following:

"(28) \$1,196,000 of the general fund—state appropriation is provided solely for the treatment of sexually aggressive youth pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(29) \$175,000 of the general fund—state appropriation is provided solely to conduct separate pilot projects in King and Spokane counties for the joint investigation of child abuse and sexual assault cases by local law enforcement personnel and state child protective caseworkers pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(30) \$1,525,000 of the general fund—state appropriation is provided solely for treatment of sexually abused children pursuant to section 1402 of Engrossed Second Substitute Senate Bill No. 6259."

On page 29, line 19 of the amendment, increase the general fund—state appropriation by \$1,297,000

On page 29, line 21 of the amendment, increase the total appropriation by \$1,297,000

On page 29, after line 30 of the amendment, insert the following:

"(c) \$1,606,000 of the general fund—state appropriation is provided solely for the cost of court ordered evaluations of juvenile sex offenders to determine their amenability to treatment and for costs associated with providing outpatient sex offender treatment and community supervision as part of the special sexual offender disposition alternative pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(d) \$150,000 of the general fund—state appropriation is provided solely for outpatient treatment services for juvenile sex offender parolees, and for additional juvenile parole staff required as a result of an increase in the length of parole for juvenile sex offenders pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(e) \$171,000 of the general fund—state appropriation is provided solely for the costs of establishing three regional juvenile sex offender treatment coordinators, providing training for regional staff, and establishing resource libraries, pursuant to Engrossed Second Substitute Senate Bill No. 6259."

On page 29, line 33 of the amendment, increase the general fund—state appropriation by \$284,000

On page 30, line 1 of the amendment, increase the total appropriation by \$284,000

On page 30, line 3 of the amendment, after "limitations:" insert the following:

"(a)"

Reletter subsections consecutively and correct internal references accordingly.

On page 30, after line 15 of the amendment, insert the following:

"(b) \$284,000 of the general fund—state appropriation is provided solely for three institutional juvenile sex offender treatment coordinators, specialized treatment services for juvenile sex offenders, training for institutional staff, and resource libraries, pursuant to Engrossed Second Substitute Senate Bill No. 6259."

On page 34, line 18 of the amendment, increase the general fund—state appropriation by \$1,614,000

On page 34, line 22 of the amendment, increase the total appropriation by \$1,614,000

On page 35, after line 12 of the amendment, insert the following:

"(g) \$960,000 of the general fund—state appropriation is provided solely for costs incurred by the attorney general and county governments in the civil commitment of sexually violent predators pursuant to Engrossed Second Substitute Senate Bill No. 6259.

(h) \$654,000 of the general fund—state appropriation is provided solely for providing treatment of civilly committed sexual predators pursuant to Engrossed Second Substitute Senate Bill No. 6259."

On page 35, line 34 of the amendment, increase the general fund—state appropriation by \$1,391,000

On page 36, line 3 of the amendment, increase the total appropriation by \$1,391,000

On page 37, after line 13 of the amendment, insert the following:

"(h) \$1,391,000 of the general fund—state appropriation is provided solely for supervision and treatment of developmentally disabled individuals who have a history of sexually predatory or violent and assaultive behavior, are not incarcerated and cannot be civilly committed, and whose family or other caregivers cannot provide sufficient supervision or care to prevent the individual from engaging in further sexually predatory or violent and assaultive behaviors, pursuant to Engrossed Second Substitute Senate Bill No. 6259."

On page 49, line 12 of the amendment, increase the general fund—state appropriation by \$83,000

On page 49, line 18 of the amendment, increase the total appropriation by \$83,000

On page 49, after line 24 of the amendment, insert the following:

"(3) \$83,000 of the general fund—state appropriation is provided solely for notification of victims and witnesses pursuant to Engrossed Second Substitute Senate Bill No. 6259."

On page 55, line 12 of the amendment, increase the general fund—state appropriation by \$2,813,000

On page 55, line 25 of the amendment, increase the total appropriation by \$2,813,000

On page 60, after line 30 of the amendment, insert the following:

"(22) \$2,813,000 of the general fund—state appropriation is provided for grants to local programs and providers that aid victims of crime, pursuant to Engrossed Second Substitute Senate Bill No. 6259. No more than \$53,000 of the amount provided in this subsection may be spent for administration of the grant program."

On page 62, line 16 of the amendment, increase the public safety and education account—state appropriation by \$1,430,000

On page 62, line 32 of the amendment, increase the total appropriation by \$1,430,000

On page 63, after line 26 of the amendment, insert the following:

"(6) \$1,430,000 of the public safety and education account—state appropriation is provided solely for the crime victims' compensation fund, pursuant to Engrossed Second Substitute Senate Bill No. 6259."

On page 64, line 6 of the amendment, increase the general fund appropriation by \$327,000

On page 64, line 8 of the amendment, after "limitations:" insert the following:

"(a)"

On page 64, after line 10 of the amendment, insert the following:

"(b) \$327,000 of the general fund—state appropriation is provided solely for polygraph and plethysmograph testing of individuals who have been convicted of a sex offense, and which is required as a condition of their release, pursuant to Engrossed Second Substitute Senate Bill No. 6259."

On page 64, line 13 of the amendment, increase the general fund appropriation by \$1,957,000

On page 64, line 15 of the amendment, after "limitations:" insert the following:

"(a)"

On page 64, after line 19 of the amendment, insert the following:

"(b) \$172,000 of the general fund—state appropriation is provided solely to accommodate increased prison inmate populations as a result of the increased criminal penalties pursuant to Engrossed Second Substitute Senate Bill No. 6259."

(c) \$678,000 of the general fund—state appropriation is provided solely for custody and security of civilly committed sexual predators pursuant to Engrossed Second Substitute Senate Bill No. 6259."

(d) \$1,107,000 of the general fund—state appropriation is provided solely to increase the number of sex offenders receiving treatment in the state correctional system, pursuant to Engrossed Second Substitute Senate Bill No. 6259. Specifically, during the 1989-91 biennium, residential treatment and day treatment shall be expanded to two hundred and one hundred seventy beds, respectively."

On page 64, line 22 of the amendment, increase the general fund—state appropriation by \$49,000

On page 64, line 25 of the amendment, increase the total appropriation by \$49,000

On page 64, line 27 of the amendment, after "limitations:" insert the following:

"(a)"

On page 64, after line 30 of the amendment, insert the following:

"(b) \$49,000 of the general fund—state appropriation is provided solely to develop computer link-ups with the Washington state patrol to permit access to information on offenders, pursuant to Engrossed Second Substitute Senate Bill No. 6259."

On page 136, line 32 of the amendment, increase the general fund appropriation by \$455,000

On page 137, after line 10 of the amendment, insert the following:

"(4) \$315,000 is provided solely for the Washington state institute for public policy at The Evergreen State College for the purpose of beginning a research and evaluation effort to examine the effectiveness of sex offender and victims' programs, including treatment. The institute may allocate moneys to research projects to assist the research and evaluation. Decisions regarding the allocation of these moneys shall be made in consultation with an advisory panel. The advisory panel shall establish criteria to ensure that the funded projects meet the highest standards of methodological rigor and will be of value to state policy makers. In order to provide timely information to policy makers, a portion of the projects shall involve the design of longitudinal studies. The institute shall consider applicants from for-profit and non-profit organizations in addition to public universities and colleges in making awards under this subsection. The advisory panel shall consist of:

(a) Three academicians from state public and private universities, to be selected by the institute's board of directors;

(b) The secretary of corrections or his or her designee;

(c) One legislator appointed by the majority leader of the senate and one legislator appointed by the speaker of the house of representatives;

(d) A representative of crime victims, to be appointed by the governor; and

(e) The research director of the sentencing guidelines commission.

The institute shall submit a report to the appropriate fiscal and policy committees of the legislature by November 1, 1990, on its progress in beginning the research and evaluation effort.

(5) \$140,000 of the general fund—state appropriation is provided solely for the study 'Special Sex Offender Sentencing Alternative: A Study of Recidivism and Community Attitudes' to be conducted through the Harborview Medical Center's special assault center and its subcontractors in satisfaction of the requirement in RCW 9.94A.124 to study the effectiveness of the special sexual sentencing standard.'

Mr. Locke spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Youngsman moved adoption of the following amendments by Representatives Youngsman, Betzoff, Tate, S. Wilson and Schmidt to the committee amendment:

On page 10, line 26 of the amendment, decrease the legal services revolving fund appropriation by \$480,000

On page 10, line 31 of the amendment, decrease the total appropriation by \$480,000

On page 82, line 19 of the amendment, increase the general fund-state appropriation by \$1,000,000

On page 82, line 27 of the amendment, increase the total appropriation by \$1,000,000

On page 83, after line 7 of the amendment, strike everything down to and including "litigation" on line 12 and insert:

"(6) \$1,480,000 of the general fund-state appropriation is provided solely for attorney general costs, including related support costs and expert witness fees, on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission in defending the state and public interests in tribal shellfish litigation (U.S. v. Washington, subproceeding 89-3). The attorney general's costs shall be paid as an interagency reimbursement"

Mr. Youngsman spoke in favor of adoption of the amendments, and Ms. Belcher spoke against them.

The amendments to the committee amendment were not adopted.

Mr. Wolfe moved adoption of the following amendment by Representatives Wolfe and Padden to the committee amendment:

On page 54, line 27, after "(a)" insert ", however, no regional AIDSNET shall distribute funding for education and prevention services to any local jurisdiction in which there is an active needle exchange program that is either publicly or privately sponsored"

Representatives Wolfe and Padden spoke in favor of adoption of the amendment to the committee amendment, and Mr. Braddock spoke against it.

The amendment to the committee amendment was not adopted.

Mr. Youngsman moved adoption of the following amendments by Representatives Youngsman, S. Wilson, Wolfe and Moyer to the committee amendment:

On page 55, line 12 of the amendment, increase the general fund-state appropriation by \$1,000,000

On page 55, line 25 of the amendment, increase the total appropriation by \$1,000,000

On page 60, after line 30 of the amendment, insert:

"(22) \$1,000,000 of the general fund-state appropriation is provided solely for community service block grant funding for community action agencies. The amount provided in this subsection shall be expended by the department through a formal process requesting proposals from eligible nonprofit organizations."

Mr. Youngsman spoke in favor of adoption of the amendments, and Mr. Sayan spoke against them.

The amendments to the committee amendment were not adopted.

Mr. Tate moved adoption of the following amendments by Representatives Tate, Wood, Smith, Wolfe, Brumsickle, McLean and Horn to the committee amendment:

On page 55, line 12 of the amendment, increase the general fund-state appropriation by \$300,000

On page 55, line 25 of the amendment, increase the total appropriation by \$300,000

On page 60, after line 30, insert:

“(22) \$300,000 of the general fund-state appropriation is provided solely to implement the senior volunteer program under Substitute Senate Bill No. 6166. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.”

Mr. Tate spoke in favor of adoption of the amendments, and Mr. Sayan spoke against them.

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

Representatives Horn and Ferguson spoke in favor of adoption of the amendments to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendments on page 55, lines 12 and 25, and page 60, after line 30, by Representative Tate and others to the committee amendment to Substitute Senate Bill No. 6407, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 42; nays, 52; excused, 4.

Voting yea: Representatives Ballard, Basich, Baugher, Beck, Bennett, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Ferguson, Fisher G, Forner, Fuhrman, Hankins, Holland, Horn, Inslee, Jones, Kremen, May, McLean, Meyers R, Miller, Nealey, Padden, Prince, Pruitt, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 42.

Voting nay: Representatives Anderson, Appelwick, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Jacobsen, Jesernig, King P, King R, Kirby, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 52.

Excused: Representatives Chandler, Doty, Moyer, Zellinsky - 4.

Mr. Schoon moved adoption of the following amendments by Representatives Walker, Schoon, Hankins and May to the committee amendment:

On page 55, line 12 of the amendment, decrease the general fund-state appropriation by \$200,000

On page 55, line 25 of the amendment, decrease the total appropriation by \$200,000

On page 60, after line 17, strike all of subsection (19)

Renumber the remaining subsections consecutively.

Mr. Schoon spoke in favor of adoption of the amendments.

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

Representatives Cantwell, Inslee and Locke spoke against adoption of the amendments to the committee amendment, and Ms. Walker spoke in favor of them. Mr. Schoon again spoke in favor of the amendments to the committee amendments.

ROLL CALL

The Clerk called the roll on adoption of the amendments on page 55, lines 12 and 25, and page 60, after line 17, by Representative Walker and others to the committee amendment to Substitute Senate Bill No. 6407, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 31; nays, 63; excused, 4.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Ferguson, Forner, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Nealey, Padden, Prince, Schmidt, Schoon, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 31.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Silver, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 63.

Excused: Representatives Chandler, Doty, Moyer, Zellinsky - 4.

Ms. Bowman moved adoption of the following amendment to the committee amendment:

On page 57, after line 31 of the amendment, insert:

"(e) The amount contained in this subsection shall be provided only after the Seattle goodwill games organizing committee has made arrangements to broadcast by public television the goodwill games events."

Ms. Bowman spoke in favor of adoption of the amendment to the committee amendment, and Mr. Locke spoke against it.

The amendment to the committee amendment was not adopted.

Mr. Wolfe moved adoption of the following amendment by Representatives Wolfe and Padden to the committee amendment:

On page 60, starting with line 31 of the amendment, strike section 223 and insert:

"NEW SECTION. Sec. 223. The sum of \$7,339,000, or so much thereof as may be received by the state from the federal department of justice for drug law enforcement purposes during calendar year 1990, is appropriated to the department of community development for expenditures approved by the state drug policy board established by the governor. PROVIDED, That (1) The department and the board shall provide to the senate law and justice committee, the house judiciary committee, the senate ways and means committee and the house appropriations committee quarterly reports as to expenditures made, results achieved by reason of those expenditures and the board's recommendations and suggestions for subsequent federal grants made for similar purposes in subsequent years; and (2) The board's chair shall provide to the chairs of these committees, prior to December 1 of each year, the board's estimate of funds that are anticipated in the following year and the board's tentative recommendations as to priorities for the expenditure of these funds, so that the legislature and its committees may approve the recommendations, with or without reservations, and may appropriate the sums which are actually received or, if this cannot be done by reason of uncertainties as to the amount or time of receipt, can adopt by resolution or budget proviso guidelines as to the manner in which such grant funds shall be expended."

Representatives Wolfe and Padden spoke in favor of adoption of the amendment to the committee amendment, and Mr. Appelwick spoke against it.

The Speaker stated the question before the House to be adoption of the amendment by Representatives Wolfe and Padden to Substitute Senate Bill No. 6407.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 36; Nays - 58. The amendment to the committee amendment was not adopted.

Mr. Locke moved adoption of the following amendment by Representatives Locke and Appelwick to the committee amendment:

On page 61, beginning on line 27 of the amendment, strike subsection (7) and insert:

"(7) The department of community development, in consultation with the governor's drug policy board, shall make recommendations to the governor concerning expenditure of moneys from the federal drug control and system improvement formula grant program for inclusion in the budget. The drug policy board shall consider chapter 271, Laws of 1989, as state policy for purposes of establishing spending priorities for federal anti-drug funds."

Mr. Locke spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Ms. Rust moved adoption of the following amendments by Representatives Rust, Locke and Silver to the committee amendment:

On page 71, line 29 of the amendment, increase the wood stove education account appropriation by \$250,000

On page 72, line 7 of the amendment, increase the total appropriation by \$250,000

On page 76, after line 3 of the amendment, insert:

"(25) \$250,000 of the wood stove education account appropriation is provided solely for the purpose of implementing Substitute Senate Bill No. 6698 (wood stove fee). Beginning July 1, 1990, and each calendar quarter thereafter for the biennium ending June 30, 1991, a portion of the amount provided in this subsection shall be distributed to the activated air pollution authorities created under RCW 70.94.053. The distribution shall be based on a fraction. The numerator of the fraction shall be the population residing within each authority's jurisdiction. The denominator of the fraction shall be total state population. Population figures used to calculate this fraction shall be as determined by the office of financial management. Sixty-six

percent of the fees collected under RCW 70.94.483 shall be multiplied by the fraction to determine the quarterly distribution to each activated air authority. In cases where an activated authority does not exist, the department shall retain the amount which otherwise would be distributed to an authority. Moneys distributed to authorities and retained by the department may only be used for education and enforcement of the wood stove education program established under RCW 70.94.480. If Substitute Senate Bill No. 6698 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse."

Ms. Rust spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Smith moved adoption of the following amendments by Representatives Smith, Baugher, Rayburn, Nealey and Kirby to the committee amendment:

On page 83, line 23 of the amendment, increase the general fund appropriation by \$500,000

On page 83, line 30 of the amendment, increase the wildlife fund—state appropriation by \$500,000

On page 84, line 1 of the amendment, increase the total appropriation by \$1,000,000

On page 84, after line 16 of the amendment, insert:

"(6) \$100,000 of the general fund appropriation is provided solely for the department to contract with Washington state university to coordinate research on the eradication and control of purple loosestrife.

(7)\$400,000 of the general fund appropriation and \$500,000 of the wildlife fund—state appropriation are provided solely for departmental actions to eradicate and control purple loosestrife."

Representatives Smith, Fuhrman and Nealey spoke in favor of adoption of the amendments to the committee amendment, and Mr. Kremen spoke against them.

The amendments to the committee amendment were not adopted.

Ms. Brekke moved adoption of the following amendments by Representatives Brekke, Hargrove and Locke to the committee amendment:

On page 55, line 12 of the amendment, increase the general fund—state appropriation by \$90,000

On page 55, line 25 of the amendment, increase the total appropriation by \$90,000

On page 60, after line 30 of the amendment, insert:

"(22) \$90,000 of the general fund—state appropriation is provided solely to implement the children's ombudsman program."

Ms. Brekke spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Fuhrman moved adoption of the following amendments by Representatives Fuhrman, Nealey, McLean, Ferguson, Bowman, Padden, Brumsickle, Holland, D. Sommers, Braddock, Vekich, R. Meyers, Dorn, Hargrove, Baugher, Ballard, Basich and Schoon to the committee amendment:

On page 83, line 23 of the amendment, increase the general fund appropriation by \$5,000

On page 84, line 1 of the amendment, increase the total appropriation by \$5,000

On page 84, after line 16 of the amendment, insert:

"(6) \$5,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5533 (removal or destruction of marine mammals reducing salmon or steelhead populations). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse."

Representatives Fuhrman and Basich spoke in favor of adoption of the amendments to the committee amendment, and Representatives R. King, Jacobsen and Sayan spoke against them.

The amendments to the committee amendment were adopted.

Ms. H. Myers moved adoption of the following amendments by Representatives H. Myers, Hargrove, Locke and Bowman to the committee amendment:

On page 84, line 21 of the amendment, strike "46,409,500" and insert "47,909,500"

On page 85, line 10 of the amendment, strike "148,116,500" and insert "149,616,500"

On page 88, after line 4 of the amendment, insert:

"(17) \$1,500,000 of general fund—state appropriation is provided solely to reimburse counties, other taxing districts and the department of natural resources for revenues lost as a result of county decisions to implement provisions of RCW 76.12.190. Any county with forest board lands or owning its own timber land which reserves timber for sale to an enterprise meeting the eligibility standards set forth in RCW 76.12.190 (2)(a) (i)(ii) and (iii) shall be eligible

to receive reimbursement under this subsection. Participating counties and the department of natural resources shall be reimbursed from the amount provided in this subsection as follows:

The department of revenue shall determine the compensation basis by comparing the actual bid price of timber sold under RCW 76.12.190(1) to the valuation of the timber as determined by the department under RCW 84.33.091. The difference shall be the compensation to be divided between the county, the department of natural resources, and the other taxing districts in the following manner: Twenty-five percent to the department of natural resources to be deposited in the forest development account, and the balance distributed between the counties and the other taxing districts in the same proportion as general taxes are paid and distributed in the year of payment.

The department of natural resources shall distribute these moneys to participating counties and the forest development account as the enterprise removes the timber. Each county shall distribute moneys owed to the other taxing districts in its jurisdiction.

In the event the amount provided in this subsection is not sufficient to fully compensate all revenue losses to the department of natural resources, all participating counties, and other taxing districts, it shall be used to compensate for sales in order of the date of sale. The reserving of timber by counties does not constitute a contractual relationship between the department of natural resources and the county or the other taxing districts."

Representatives H. Myers, Hargrove and Bowman spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Locke moved adoption of the following amendments to the committee amendment:

On page 56, line 26, after "The" strike "initial"

On page 56, line 29, after "1990," insert "Refinements to the security plan for the goodwill games shall continue through July 15, 1990."

On page 57, line 8 of the amendment, after "reimbursement" insert "from the amount provided in this subsection"

On page 57, line 13 of the amendment, after "plan," insert "The \$2,000,000 from the Seattle goodwill games organizing committee may be used to defray both the direct and indirect additional costs of security experienced by local governments and state entities, including the University of Washington, as a result of the goodwill games."

Mr. Locke spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

MOTION

On motion of Ms. Fraser, Representative Wang was excused.

Ms. Silver moved adoption of the following amendments by Representatives Silver, D. Sommers, Beck, Brough, Brumsickle, Betrozoff, Walker, May, Miller, Winsley, Ballard, Schmidt, Horn, Wood, Holland, Tate and Smith to the committee amendment:

On page 88, line 15 of the amendment, after "1991" strike everything down to and including "77,750,000" on line 16 and insert "35,750,000"

On page 88, line 17 of the amendment, after "Appropriation" strike everything down to and including "113,500,000" on line 18 and insert "71,500,000"

On page 88, after line 20 of the amendment, strike everything down to and including "parks." on line 22 of page 89 and insert:

(2) The lands and timber purchased under this section shall be managed under chapter 79.70 or 79.71 RCW, as determined by the board of natural resources.

(3) The land and timber shall be appraised and purchased at full market value.

(4) The proceeds of the sales of timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands except that no deduction shall be made for the resource management cost account under RCW 79.64.040.

(5) The proceeds of the sales of land shall be used by the department to acquire replacement timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

NEW SECTION. Sec. 310. A new section is added to chapter 19, Laws of 1989 1st ex. sess. to read as follows:

FOR TIMBERLAND PURCHASES AND COMMON SCHOOL CONSTRUCTION

General Fund Appropriation \$97,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,000,000 of this appropriation is provided to the state parks and recreation commission solely to acquire common school trust lands that have been identified in the commission's 1989 agreement with the department of natural resources as appropriate for state park use. The land and timber shall be appraised and purchased at full market value. The proceeds of

the sales of timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands except that no deduction shall be made for the resource management cost account under RCW 79.64.040. The proceeds of the sales of land shall be used by the department to acquire replacement timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

(2) \$77,000,000 of this appropriation shall be deposited in the common school construction fund.*

Renumber remaining sections consecutively and correct internal references accordingly.

Ms. Silver spoke in favor of adoption of the amendments to the committee amendment.

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

Ms. H. Sommers spoke against adoption of the amendments to the committee amendment, and Representatives Brough, Horn and Betrozoff spoke in favor of them.

ROLL CALL

The Clerk called the roll on adoption of the amendments on page 88, lines 15, 17 and 20 by Representative Silver and others to the committee amendment to Substitute Senate Bill No. 6407, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 34; nays, 59; excused, 5.

Voting yea: Representatives Ballard, Beck, Bennett, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Ferguson, Fisher G, Forner, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Nealey, Padden, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 34.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Vaile, Vekich, Wilson K, Wineberry, and Mr. Speaker - 59.

Excused: Representatives Chandler, Doty, Moyer, Wang, Zellinsky - 5.

Ms. Bowman moved adoption of the following amendments by Representatives Bowman, McLean, Brumsickle, Baugher, Nealey and Smith to the committee amendment:

On page 89, line 27 of the amendment, increase the general fund-state appropriation by \$400,000

On page 89, line 28 of the amendment, increase the general fund-federal appropriation by \$400,000

On page 89, line 32 of the amendment, increase the total appropriation by \$800,000

On page 90, after line 14 of the amendment, insert:

(5) \$400,000 of the general fund-state appropriation is provided solely as state matching funds for predator control efforts.

Representatives Bowman and Nealey spoke in favor of adoption of the amendments to the committee amendment, and Mr. Locke spoke against them.

The amendments to the committee amendment were not adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Mr. Locke moved adoption of the following amendment by Representatives Locke and Silver to the committee amendment:

On page 51, line 27, after "enrollees" insert "as authorized by Second Substitute House Bill No. 2393"

Mr. Locke spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Padden moved adoption of the following amendments to the committee amendment:

On page 61, strike all of line 2 of the amendment and insert:

(1) \$3,702,000 to local governments, of which: (a) at least \$1,230,000 shall be for drug prosecution programs by local government; and (b) not less than \$100,000 shall be for cities or counties with rates of drug crime arrests per capita that are equal to or above the comparable rate for Yakima County.

On page 61, line 7 of the amendment, strike subsection (3)

Renumber subsections consecutively and correct internal references accordingly.

Mr. Padden spoke in favor of adoption of the amendments to the committee amendment, and Mr. Locke spoke against them.

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

Representatives Wolfe and Silver spoke in favor of the amendments to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendments on page 61, lines 2 and 7, by Representative Padden to the committee amendment to Substitute Senate Bill No. 6407, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 38; nays, 55; excused, 5.

Voting yea: Representatives Ballard, Baugher, Beck, Bennett, Berozoff, Bowman, Brooks, Brough, Brumsickle, Ferguson, Forner, Fuhrman, Hankins, Holland, Horn, Inslee, Jones, Kirby, May, McLean, Miller, Nealey, Padden, Prince, Rayburn, Schmidt, Schoon, Silver, Smith, Sommers D. Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 38.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Wilson K, Wineberry, and Mr. Speaker - 55.

Excused: Representatives Chandler, Doty, Moyer, Wang, Zellinsky - 5.

Mr. Nealey moved adoption of the following amendments by Representatives Nealey, Baugher, Rayburn and McLean to the committee amendment:

On page 89, line 27 of the amendment, increase the general fund-state appropriation by \$133,000

On page 89, line 32 of the amendment, increase the total appropriation by \$133,000

On page 90, after line 14 of the amendment, insert:

"(5) \$133,000 of the general fund-state appropriation is provided solely for the department's domestic marketing program."

Mr. Nealey spoke in favor of adoption of the amendments to the committee amendment, and Mr. Vekich spoke against them.

The amendments to the committee amendment were not adopted.

Mr. McLean moved adoption of the following amendments by Representatives McLean, Baugher, Rayburn and Nealey to the committee amendment:

On page 89, line 27 of the amendment, increase the general fund-state appropriation by \$56,000

On page 89, line 32 of the amendment, increase the total appropriation by \$56,000

On page 90, after line 14 of the amendment, insert:

"(5) \$50,000 of the general fund-state appropriation is provided solely for the department's food inspection program."

Mr. McLean spoke in favor of adoption of the amendments to the committee amendment, and Mr. Grant spoke against them.

The amendments to the committee amendment were not adopted.

Mr. McLean moved adoption of the following amendments by Representatives McLean, Nealey, Baugher and Rayburn to the committee amendment:

On page 89, line 27 of the amendment, increase the general fund-state appropriation by \$50,000

On page 89, line 32 of the amendment, increase the total appropriation by \$50,000

On page 90, after line 14 of the amendment, insert:

"(5) \$50,000 of the general fund-state appropriation is provided solely for a survey of apple maggot infestation in northwest Washington counties."

Mr. McLean spoke in favor of adoption of the amendments to the committee amendment, and Mr. Grant spoke against them.

The amendments to the committee amendment were not adopted.

Mr. Locke moved adoption of the following amendment by Representatives Locke and Silver to the committee amendment:

On page 91, line 6 of the amendment, after "entire" strike "seven hundred seven" and insert "appropriation"

Mr. Locke spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. May moved adoption of the following amendments by Representatives May, Ferguson and Holland to the committee amendment:

On page 102, beginning on line 6 of the amendment, after "five," strike everything through "students," on line 13 of the amendment

On page 102, line 35 of the amendment, after "For" strike "each" and insert "((each))" the 1990-91"

On page 103, line 10 of the amendment, after "(c)" insert "For the 1990-91 school year, school districts that document a ratio of at least fifty-one basic education certificated instructional staff per thousand students in kindergarten through grade three shall receive allocations under subsection (2)(a)(i) of this section based on the ratio of fifty-one staff per thousand students. For other school districts, the 1990-91 allocation ratio under subsection (2)(a)(ii) of this section shall be the allocation ratio funded for the district in the 1989-90 school year, increased by any improvement in the district's actual staffing ratio for K-3 basic education certificated instructional staff from the 1989-90 to the 1990-91 school year."

Representatives May and Betrozoff spoke in favor of adoption of the amendments to the committee amendment, and Mr. Peery spoke against them. Mr. May again spoke in favor of the amendments to the committee amendment.

The amendments to the committee amendment were not adopted.

Ms. Silver moved adoption of the following amendments by Representatives Locke and Silver to the committee amendment:

On page 61, line 12 of the amendment, strike "for low-income housing organizations and authorities"

On page 61, line 14 of the amendment, after "areas," insert "These programs shall be provided through local contractors including low-income housing organizations and housing authorities."

Ms. Silver spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Ms. Silver moved adoption of the following amendment by Representatives Locke and Silver to the committee amendment:

On page 66, line 17, strike "313,490,000" and insert "312,014,000"

Ms. Silver spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Padden moved adoption of the following amendments to the committee amendment:

On page 104, line 23, after "on" strike "((May 7, 1989))" February 17, 1990, at ((11:00)) 16:00 hours and insert "May 7, 1989, at 11:00"

On page 105, line 25, after "S((166,733,000))" strike "186,739,000" and insert "155,863,000"

On page 108, line 20, after "12" beginning with "-17" strike everything through line 23

On page 108, line 44, after "14" strike "-17 36,705"

On page 108, line 45, strike "((or more))" and insert "or more"

On page 108, line 46, beginning with "18-21" strike everything through line 47

On page 109, at line 21, insert:

"(10) \$30,876,000 is provided solely to the superintendent of public instruction to be distributed to school districts for incentive grants for teachers and other certificated instructional staff.

(a) These funds shall be distributed to districts on a per capita basis according to the number of full-time-equivalent certificated instructional staff provided through supplemental contracts under RCW 28A.58.095(4). The additional compensation shall not become part of an employee's continuing contract.

(b) School districts shall select employees to receive incentive grants on the basis of locally adopted criteria and performance standards. The grants may be used:

(i) As compensation for additional staff development or inservice training days;

(ii) As compensation for additional responsibilities or duties such as supervising student teachers or acting as mentors for other staff;

(iii) To provide additional compensation for first year teachers; or

(iv) As one-time bonuses for exceeding district performance goals."

Representatives Padden and Betrozoff spoke in favor of adoption of the amendments to the committee amendment, and Mr. Peery spoke against them.

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

Mr. Locke spoke against adoption of the amendments to the committee amendment, and Mr. Horn spoke in favor of them. Mr. Betzoff again spoke in favor of the amendments to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendments on pages 104, 105, 108 and 109 by Representative Padden to the committee amendment to Substitute Senate Bill No. 6407, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 31; nays, 62; excused, 5.

Voting yea: Representatives Ballard, Beck, Betzoff, Bowman, Brooks, Brough, Brumsickle, Ferguson, Forner, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Nealey, Padden, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Waiker, Wilson S, Wolfe, Wood, Youngsman - 31.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dom, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Wilson K, Wineberry, Winsley, and Mr. Speaker - 62.

Excused: Representatives Chandler, Doty, Moyer, Wang, Zellinsky - 5.

Mr. Locke moved adoption of the following amendment to the committee amendment:

On page 112, beginning on line 31 of the amendment, after "If" strike everything through "plans," on line 32 and insert "Substitute House Bill No. 2230 (K-12 employee benefit plans)"

Mr. Locke spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Ferguson moved adoption of the following amendments by Representatives Ferguson, May, D. Sommers, Wood and Van Luven to the committee amendment:

On page 113, line 25 of the amendment, increase the general fund appropriation by \$1,300,000

On page 114, after line 14 of the amendment, insert:

"(6) \$1,300,000 of the general fund appropriation is provided solely to expand adult education and basic skills instruction preparing students for training programs for jobs in high demand that require high skill levels."

Mr. Ferguson spoke in favor of adoption of the amendments to the committee amendment, and Mr. Peery spoke against them.

The amendments to the committee amendment were not adopted.

Ms. Cole moved adoption of the following amendment by Representatives Cole and Locke to the committee amendment:

On page 124, beginning on line 8 of the amendment, after "programs" strike everything through "lapse" on line 10 and insert "for school-age children. A school district may receive a grant under this section only if the district has adopted a fee schedule based on the projected costs of services, and has submitted to the superintendent of public instruction an operating plan demonstrating that, after its initial twenty-four months of operation, the program is expected to be fully supported through fees and other local revenues. The grants may be used for establishing new programs or for expanding existing programs, but may not be used for costs incurred more than twenty-four months after the establishment of a before-and-after school program at a particular site. No grant may support more than seventy-five percent of a district's program costs during the initial twenty-four months. The grants may be used for community needs assessments, planning and design of programs, equipment and supplies, capital improvements including portables, and compensation costs, for the first three months of employment only, for employees filling new positions"

Ms. Cole spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Ms. Silver moved adoption of the following amendment by Representatives Locke and Silver to the committee amendment:

On page 143, line 35, strike "~~(290,025,000)~~ 312,200,000" and insert "290,025,000"

Ms. Silver spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Ms. Silver moved adoption of the following amendment by Representatives Silver, Hankins, Wolfe, Wood, May, Youngsman, Betrozoff, Brumsickle and Smith to the committee amendment:

On page 159, after line 31, insert:

"General Fund Appropriation: For transfer to the Budget Stabilization Account \$200,000,000"

Ms. Silver spoke in favor of adoption of the amendment to the committee amendment, and Mr. Locke spoke against it.

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

Ms. Silver again spoke in favor of the amendment to the committee amendment, and Mr. Horn spoke in favor of it.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 159, after line 31, by Representative Silver and others to the committee amendment to Substitute Senate Bill No. 6407, and the amendment to the committee amendment was not adopted by the following vote: Yeas, 35; nays, 58; excused, 5.

Voting yea: Representatives Ballard, Beck, Bennett, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Ferguson, Forner, Fuhrman, Hankins, Holland, Horn, May, McLean, Miller, Nealey, Padden, Prince, Pruitt, Rector, Schmidt, Schoon, Silver, Smith, Sommers D. Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 35.

Voting nay: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Insole, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Raiter, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Wilson K, Wineberry, and Mr. Speaker - 58.

Excused: Representatives Chandler, Doty, Moyer, Wang, Zellinsky - 5.

Ms. Silver moved adoption of the following amendment by Representatives Silver, D. Sommers, Brough and Ballard to the committee amendment:

On page 160, following line 2, insert a new section as follows:

"NEW SECTION, Sec. 801. In order to avoid a tax increase in the 1991-93 biennium, each of the general fund-state appropriations in this act shall be reduced by the office of financial management on a pro rata basis such that the total of all general fund-state appropriations for the 1989-91 biennium, when carried forward at the same levels of service in 1991-93 biennium, does not exceed \$13,940,000,000. These reductions shall be made on July 1, 1990, based on the workload and enrollment forecasts available on that date."

Renumber sections consecutively and correct internal references accordingly.

Representatives Silver and Brough spoke in favor of adoption of the amendment to the committee amendment, and Mr. Locke spoke against it.

The amendment to the committee amendment was not adopted.

Mr. Padden moved adoption of the following amendment to the committee amendment:

On page 160, after line 2 of the amendment, insert:

"Sec. 801. Section 1, chapter 32, Laws of 1985 and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and twenty-five one-hundredths percent of the selling price from July 1, 1990, through June 30, 1991, and six and five-tenths percent of the selling price thereafter.

(2) The tax imposed under this chapter shall apply to successive retail sales of the same property.

(3) The rate provided in this section applies to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020."

Renumber sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Ms. H. Sommers: I ask for a ruling on the scope and object of this proposed amendment.

SPEAKER'S RULING

The Speaker: Representative Sommers, the Speaker has examined Substitute Senate Bill No. 6407 and the amendment by Representative Padden. Substitute Senate Bill No. 6407 clearly adopts the supplemental operating budget for the 1989-91 biennium. The amendment amends Title 82 RCW, dealing with the state sales tax. The Speaker finds that an amendment dealing with state tax levels does not perfect the budget, but rather brings in a new subject matter and is, therefore, beyond the scope and object of Substitute Senate Bill No. 6407. Your point, Representative Sommers, is well taken.

The committee amendment by Committee on Appropriations as amended was adopted.

With the consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Sayan spoke in favor of passage of the bill.

The Speaker called on Representative O'Brien to preside.

Mr. May spoke against passage of the bill, and Representatives Leonard, Peery, Wineberry and Locke spoke in favor of it.

The Speaker resumed the Chair.

Ms. Silver spoke against passage of the bill, and Ms. Hine spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6407 as amended by the House, and the bill passed the House by the following vote: Yeas, 67; nays, 26; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luven, Vekich, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Forner, Fuhrman, Hankins, Horn, May, McLean, Miller, Nealey, Padden, Prince, Schoon, Silver, Smith, Sommers D, Tate, Walker, Wolfe, Wood, Youngsman - 26.

Excused: Representatives Chandler, Doty, Moyer, Wang, Zellinsky - 5.

Substitute Senate Bill No. 6407 as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 27, 1990

Mr. Speaker:

The President has signed:

SENATE BILL NO. 6267,

SENATE BILL NO. 6510,

SENATE BILL NO. 6514,

SENATE BILL NO. 6558,

SUBSTITUTE SENATE BILL NO. 6572,

SENATE BILL NO. 6576,

SENATE BILL NO. 6640,

SENATE JOINT MEMORIAL NO. 8018,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 6267,
SENATE BILL NO. 6510,
SENATE BILL NO. 6514,
SENATE BILL NO. 6558,
SUBSTITUTE SENATE BILL NO. 6572,
SENATE BILL NO. 6576,
SENATE BILL NO. 6640,
SENATE JOINT MEMORIAL NO. 8018.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Wednesday, February 28, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 28, 1990

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Chandler. On motion of Ms. Miller, Representative Chandler was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Shannon Connor and Matthew Swanson. Prayer was offered by the Reverend Daniel Secrist, Minister of Faith Assembly Church of Lacey.

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

MESSAGE FROM THE SENATE

February 27, 1990

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6191,
HOUSE BILL NO. 2294,
HOUSE BILL NO. 2330,
ENGROSSED HOUSE BILL NO. 2335,
ENGROSSED HOUSE BILL NO. 2842,
ENGROSSED HOUSE BILL NO. 2850,
ENGROSSED HOUSE BILL NO. 2859,
SUBSTITUTE HOUSE BILL NO. 2956,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTIONS AND FIRST READING

HCR 4436 by Representatives Holland, Peery, Betrozoff, H. Sommers, Brough, Cole, Forner, Hine, Ferguson, Ebersole, Miller and Morris

Establishing a joint select committee on school construction funding.

Referred to Committee on Rules.

SSB 6191 by Committee on Health & Long-Term Care (originally sponsored by Senators West, Kreidler, Johnson, Anderson, Gaspard, Niemi, McMullen, Murray, Wojahn, Conner, Patrick, Stratton and Smith)

Establishing the Washington state trauma care system.

The Speaker (Mr. O'Brien presiding) referred the resolution listed on today's introduction sheet under the fourth order of business to the committee so designated.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 90-4756, by Representative K. Wilson

WHEREAS, The Lake Stevens High School Wrestling Team won the Double A WESCO League Championship at Edmonds High School, the Northwest Washington Regional Championship at Mt. Vernon High School, and the State AA Championship at the State Tournament held in Tacoma on February 16 through 17, 1990; and

WHEREAS, Principal Bob Estes, Cheerleading Advisor Sue Ward, the entire student body and the surrounding community of Lake Stevens were very supportive of the team and its accomplishments; and

WHEREAS, Head Coach Brent Barnes and Assistant Coaches Walt Arnold and Dean Width provided coaching and leadership to propel the team to new heights of accomplishment; and

WHEREAS, Jerome Olsen, Albie Gee, Phil Merwin, Kirk Hartzell, Cory Cowley, Tad Lloyd, Frankie Pelayo, James Fish, Zach Barnes, Josh Hughes, Brad Sandoval, Paul Phillips, Nate Baldwin, Matt Watson, Ryan Landry, Nate Thomas, Mike McLaury, Richie Chambers and Justin Bartholomew were the team members who represented the high school and community; and

WHEREAS, Albie Gee, Kirk Hartzell, Tad LLOYD, Matt Watson and Ryan Landry placed in the state tournament; and

WHEREAS, Richie Chambers won the state championship in the 190 pound weight class; and

WHEREAS, The entire wrestling team maintained a scholastic grade point average of at least 3.0 during their athletic achievements;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the Lake Stevens High School Wrestling Team for their accomplishments; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Principal Bob Estes, Coach Brent Barnes, Assistant Coaches Walt Arnold and Dean Width, and to the members of the wrestling team.

Ms. K. Wilson moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 90-4756 was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 1:45 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 1:45 p.m.

MESSAGE FROM THE SENATE

February 28, 1990

Mr. Speaker:

The President has signed:

SENATE BILL NO. 6200,
 SENATE BILL NO. 6210,
 SENATE BILL NO. 6327,
 SENATE BILL NO. 6354,
 SUBSTITUTE SENATE BILL NO. 6463,
 SUBSTITUTE SENATE BILL NO. 6531,
 SENATE BILL NO. 6549,
 SUBSTITUTE SENATE BILL NO. 6573,
 SUBSTITUTE SENATE BILL NO. 6594,
 SUBSTITUTE SENATE BILL NO. 6600,
 SENATE JOINT MEMORIAL NO. 8020,
 SENATE JOINT MEMORIAL NO. 8025,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 6200,
 SENATE BILL NO. 6210,
 SENATE BILL NO. 6327,

SENATE BILL NO. 6354.
 SUBSTITUTE SENATE BILL NO. 6463.
 SUBSTITUTE SENATE BILL NO. 6531.
 SENATE BILL NO. 6549.
 SUBSTITUTE SENATE BILL NO. 6573.
 SUBSTITUTE SENATE BILL NO. 6594.
 SUBSTITUTE SENATE BILL NO. 6600.
 SENATE JOINT MEMORIAL NO. 8020.
 SENATE JOINT MEMORIAL NO. 8025.

MESSAGE FROM THE SENATE

February 28, 1990

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 2310.
 ENGROSSED HOUSE BILL NO. 2386.
 HOUSE BILL NO. 2438.
 SUBSTITUTE HOUSE BILL NO. 2457.
 HOUSE BILL NO. 2461.
 HOUSE BILL NO. 2469.
 ENGROSSED HOUSE BILL NO. 2473.
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2513.
 SUBSTITUTE HOUSE BILL NO. 2524.
 HOUSE BILL NO. 2527.
 ENGROSSED HOUSE BILL NO. 2561.
 HOUSE BILL NO. 2562.
 SUBSTITUTE HOUSE BILL NO. 2587.
 HOUSE BILL NO. 2633.
 HOUSE BILL NO. 2705.
 SUBSTITUTE HOUSE BILL NO. 2708.
 HOUSE BILL NO. 2753.
 HOUSE BILL NO. 2855.
 HOUSE BILL NO. 2942.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider Engrossed Substitute Senate Bill No. 5545 on the second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5545, by Committee on Higher Education (originally sponsored by Senators Smitherman and Saling)

Establishing the state board for vocational education.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

Mr. Jacobsen moved adoption of the committee amendment.

POINT OF ORDER

Ms. Walker: Thank you, Mr. Speaker. I am asking for a ruling on the scope and object of the committee amendment, please.

SPEAKER'S RULING

The Speaker: Representative Walker, the Speaker has examined Engrossed Substitute Senate Bill No. 5545 and the committee striking amendment. Engrossed Substitute Senate Bill No. 5545 deals with governance of vocational education in

our public institutions. The committee striking amendment, in addition to the matters covered in the original bill, deals with regulation of private vocational schools. Therefore, the Speaker finds that the committee amendment broadens the scope of the Senate bill. Your point is well taken; the amendment is outside the scope and object of the original bill.

MOTIONS

Mr. Ebersole moved that the House defer further consideration of Engrossed Substitute Senate Bill No. 5545 and that the bill hold its place on the second reading calendar. The motion was carried.

Mr. Ebersole moved that the House immediately consider Substitute Senate Bill No. 6493 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 6493, by Committee on Children & Family Services (originally sponsored by Senators Patrick, Kreidler, Craswell, Stratton, Conner and Bailey)

Authorizing the appointment of confidential intermediaries in adoption searches.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 45th Day, February 21, 1990.)

Mr. Sayan moved that the House do not adopt the committee amendment.

Mr. Padden spoke against the motion, and Representatives Brekke, Holland and Moyer spoke in favor of it. Mr. Padden again spoke against the motion.

The motion was carried.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Brekke, Moyer, Heavey, Sayan and Holland spoke in favor of passage of the bill, and Mr. Padden spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6493, and the bill passed the House by the following vote: Yeas, 92; nays, 4; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Fuhrman, Hargrove, Padden, Wolfe - 4.

Absent: Representative King P - 1.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 6493, having received the constitutional majority, was declared passed.

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

MOTION

Mr. Heavey moved that Committee on Rules be relieved of Engrossed Senate Bill No. 6189 and the bill be placed on the second reading calendar. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 6189, by Senator McCaslin

Eliminating boundary review boards.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen, Wolfe, Schmidt, Zellinsky, Padden and Ferguson spoke in favor of passage of the bill, and Representatives Nelson, K. Wilson and Cantwell spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6189, and the bill passed the House by the following vote: Yeas, 63; nays, 32; absent, 2; excused, 1.

Voting yea: Representatives Appelwick, Ballard, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brough, Brumsickle, Cole, Cooper, Day, Doty, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Holland, Horn, Inslee, Jesernig, Kirby, Leonard, Locke, May, Miller, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Padden, Phillips, Prentice, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Van Luven, Vekich, Walker, Wilson S, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 63.

Voting nay: Representatives Anderson, Basich, Brekke, Cantwell, Crane, Dellwo, Dorn, Ebersole, Grant, Heavey, Hine, Jacobsen, Jones, King P, King R, Kremen, McLean, Meyers R, Nelson, Prince, Pruitt, Raiter, Rector, Schoon, Scott, Sprenkle, Todd, Valle, Wang, Wilson K, Wineberry, Winsley - 32.

Absent: Representatives Brooks, Peery - 2.

Excused: Representative Chandler - 1.

Engrossed Senate Bill No. 6189, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Substitute Senate Bill No. 6664 on the second reading calendar. The motion was carried.

The Speaker called on Representative Wang to preside.

SUBSTITUTE SENATE BILL NO. 6664, by Committee on Economic Development & Labor (originally sponsored by Senators McDonald, Gaspard, Warnke and Rasmussen; by request of Department of Licensing)

Amending the business license center act.

The bill was read the second time.

MOTION

Mr. Ebersole moved that the House defer further consideration of Substitute Senate Bill No. 6664 and that the bill hold its place on the second reading calendar. The motion was carried.

The Speaker (Mr. Wang presiding) declared the House to be at ease.

The Speaker called the House to order.

MOTION

On motion of Mr. Dorn, Representative Cole was excused.

MESSAGE FROM THE SENATE

February 28, 1990

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8437.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTION AND FIRST READING

SCR 8437 by Senators Patrick, Talmadge, Rasmussen, Vognilid and Lee

Resolving to study the development of a wayport in Grant county and high-speed transportation.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and the resolution was advanced to second reading and read the second time in full.

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

Representatives Smith, Moyer, Hine, Brough, Ebersole, Schmidt and Ferguson spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8437, and the resolution was adopted by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Bennett, Berozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Basich, Wang - 2.

Excused: Representatives Chandler, Cole - 2.

Senate Concurrent Resolution No. 8437, having received the constitutional majority, was declared adopted.

MOTION

Mr. Prince moved that Senate Concurrent Resolution No. 8437 be transmitted immediately to Representative Glyn Chandler at St. Peter Hospital. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

February 27, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2482 with the following amendments:

On page 11, after line 6, insert the following:

"When a state agency proposes to adopt a rule applicable beyond the Puget Sound area, and that rule was originally proposed to implement an element of the plan, the state agency shall ensure that early and meaningful participation by interested members of the public is provided from all geographic areas to which the rule will be applicable."

On page 14, after line 13, insert the following section and renumber sections accordingly:

"NEW SECTION. Sec. 13. Nothing in section 12 of this act shall affect the implementation and requirements of the Puget Sound water quality management plan existing on June 30, 1995, or such other effective date of repeal of the laws referenced in section 12 of this act. The implementation of the plan on and after that date shall be the responsibility of such entities as are provided by the legislature."

On page 1, line 5 of the title, after "RCW;" insert "creating a new section;"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Hine moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2482.

Ms. Hine spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2482 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2482 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brooks, Brough, Brumsickle, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raifer, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spaniel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Brekke, Nelson - 2.

Excused: Representatives Chandler, Cole - 2.

Engrossed Substitute House Bill No. 2482 as amended by the Senate, having received the constitutional majority, was declared passed.

Representative Cole appeared at the bar of the House.

MOTION

Mr. Ebersole moved that the House immediately resume consideration of Engrossed Substitute Senate Bill No. 5545 on the second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5545, by Committee on Higher Education (originally sponsored by Senators Smitherman and Saling)

Establishing the state board for vocational education.

The House resumed consideration of Engrossed Substitute Senate Bill No. 5545 on second reading. (For previous action, see today's Journal.)

Mr. Dorn moved adoption of the following amendments by Representatives Dorn, Ferguson, Ebersole and Schoon:

On page 1, line 17, after "commission" insert ", other duties assigned by the governor, and the duties assigned to the board under sections 5 through 38 of this act"

On page 2, after line 14, strike all material through "immediately," on line 19 and insert the following:

NEW SECTION, Sec. 5. This chapter shall be known and cited as the vocational-technical institute act.

NEW SECTION, Sec. 6. The purpose of this chapter is to provide for the dramatically increasing number of students requiring high standards of education either as a part of vocational training or retraining by creating a new, independent system of vocational-technical institutes which will:

(1) Offer an open door to every citizen, regardless of his or her academic background or experience, at a cost normally within his or her economic means;

(2) Ensure that each vocational-technical district shall offer thoroughly comprehensive educational, training, and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence; realistic and practical courses in vocational education, both graded and ungraded; community services of an educational, cultural, and recreational nature; and adult education;

(3) Provide administration by state and local boards which will avoid unnecessary duplication of facilities or programs and which will encourage efficiency in operation and creativity and imagination in education, training, and service to meet the needs of the community and students;

(4) Allow for the growth, improvement, flexibility, and modification of the vocational-technical institutes and their education, training, and service programs as future needs occur; and

(5) Establish firmly that vocational-technical institutes are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and other institutions of higher learning, and never to be considered for conversion into four-year liberal arts colleges or community colleges.

NEW SECTION. Sec. 7. As used in this chapter, unless the context requires otherwise, the term:

- (1) 'System' means the state system of vocational-technical institutes, which shall be a system of higher education.
- (2) 'Institute board' means the state board for vocational education.
- (3) 'Director' means the administrative director for the state system of vocational-technical institutes.
- (4) 'Board of trustees' means the local vocational-technical institute board of trustees established for each vocational-technical institute within the state.
- (5) 'State Board' means the state board for vocational education.
- (6) 'Vocational education' means a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations, and home and family life programs, which are not designated as professional or requiring a baccalaureate or higher degree.
- (7) 'K-12 system' means the public school program including kindergarten through the twelfth grade.
- (8) 'Common school board' means a public school district board of directors.
- (9) 'Community college' includes, where applicable, vocational-technical and adult education programs conducted by community colleges.
- (10) 'Vocational-technical institute' means a specialized area nongraded vocational education facility established and operated for the purpose of offering comprehensive courses primarily oriented to the job market area in vocational education for persons sixteen years of age and older without regard to residence, pursuant to laws and rules pertaining to the maintenance, operation, and capital funding of vocational-technical institutes.

NEW SECTION. Sec. 8. A director of the system shall be appointed by the institute board and shall serve at the pleasure of the institute board. The director shall be appointed with due regard to his or her fitness and background in education, by his or her knowledge of and recent practical experience in the field of vocational and technical educational administration particularly in institutions beyond the high school level. The institute board may also take into consideration an applicant's proven management background even though not particularly in the field of education.

The director shall devote his or her time to the duties of office and shall not have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies to the field of vocational-technical education within this state, in keeping with chapter 42.18 RCW, the executive conflict of interest act.

The director shall receive a salary to be fixed by the institute board and shall be reimbursed for travel expenses incurred in the discharge of official duties in accordance with RCW 43.03.050 and 43.03.060.

The director shall be the executive officer of the institute board and serve as its secretary and under its supervision shall administer the provisions of this chapter and the rules and orders established thereunder and all other laws of the state. The director shall attend, but not vote at, all meetings of the institute board. The director shall be in charge of offices of the institute board and responsible to the institute board for the preparation of reports and the collection and dissemination of data and other public information relating to the system.

The director shall, with the approval of the institute board: (1) Employ necessary assistant directors of major staff divisions who shall serve at the director's pleasure on such terms and conditions as the director determines, and (2) subject to the provisions of chapter 28B.16 RCW, the higher education personnel law, the director shall, with the approval of the institute board, appoint and employ such field and office assistants, clerks, and other employees as may be required and authorized for the proper discharge of the functions of the institute board and for whose services funds have been appropriated.

The institute board may, by written order filed in its office, delegate to the director any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised by the director in the name of the institute board.

NEW SECTION. Sec. 9. Suitable offices and office equipment shall be provided by the state for the institute board in the city of Olympia, and the institute board may incur the necessary expense for office furniture, stationery, printing, incidental expenses, and other expenses necessary for the administration of this chapter.

NEW SECTION. Sec. 10. The institute board shall have general supervision and control over the system. In addition to the other powers and duties imposed upon the institute board by this chapter, the institute board shall be charged with the following powers, duties, and responsibilities:

- (1) Review the budgets prepared by the boards of trustees, prepare a single budget for the support of the system, and submit this budget to the governor as provided in RCW 43.88.090;
- (2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for maintenance, operation, and capital support of the individual vocational-technical institutes in conformance with the state and individual institute budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority:

(a) That each vocational-technical institute offers thoroughly comprehensive educational, training, and service programs to meet the needs of students served by providing realistic and practical courses in vocational education, both graded and ungraded;

(b) That each vocational-technical institute maintains an open-door policy, to the end that no student will be denied admission because of the location of his or her residence or because of his or her educational background or ability; that, insofar as is practical in the judgment of the institute board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body. The administrative officers of a vocational-technical institute may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, the student would not be competent to profit from the curriculum offerings of the vocational-technical institute, or would, by his or her presence or conduct, create a disruptive atmosphere within the vocational-technical institute not consistent with the purposes of the institution;

(4) Prepare a comprehensive master plan for the development of vocational and technical training and retraining in the state; and assist the office of financial management in the preparation of enrollment projections to support plans for providing adequate vocational-technical institute facilities in all areas of the state;

(5) Define and administer criteria and guidelines for the establishment of new vocational-technical institutes;

(6) Establish minimum standards to govern the operation of the vocational-technical institutes with respect to:

(a) Qualifications and credentials of instructional and key administrative personnel;

(b) Internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW;

(c) The content of the curriculums and other educational and training programs, and the requirement for degrees and certificates awarded by the vocational-technical institutes;

(d) Standard admission policies; and

(e) Eligibility of courses to receive state fund support;

(7) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various vocational-technical institutes;

(8) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(9) Exercise any other powers, duties, and responsibilities necessary to carry out the purposes of this chapter;

(10) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any vocational-technical institute real and personal property, when it determines that such property is surplus or that such a sale or exchange is in the best interests of the vocational-technical institute system;

(11) In order that the treasurer for the institute board may make vendor payments, the state treasurer shall honor warrants drawn by the institute board providing for an initial advance on July 1, 1992, and on July 1 of each succeeding biennium from the state general fund in an amount equal to twenty-four percent of the average monthly allotment for such budgeted biennium expenditures for the vocational-technical institutes as certified by the office of financial management; and at the conclusion of such initial month and for each succeeding month of any biennium, the state treasurer shall reimburse expenditures incurred and reported monthly by the institute board treasurer in accordance with chapter 43.88 RCW. The reimbursement to the institute board for actual expenditures incurred in the final month of each biennium shall be less the initial advance made in such biennium;

(12) May receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the vocational-technical institute programs and may sell, lease or exchange, invest or expend the same or the proceeds, rents, profits, and income thereof according to the terms and conditions thereof; and adopt rules to govern the receipt and expenditure of the proceeds, rents, profits, and income thereof.

The institute board shall have the power of eminent domain.

NEW SECTION. Sec. 11. In addition to other powers and duties, the institute board may issue rules permitting a student to register at more than one vocational-technical institute, provided that such student shall pay tuition and fees as if he or she were registered at a single institute.

NEW SECTION. Sec. 12. There is hereby created a local vocational-technical institute board of trustees for each vocational-technical institute. Each local vocational-technical institute board of trustees shall be composed of five trustees, who shall be appointed by the governor for terms commencing October 1st of the year in which appointed. In making such

appointments the governor shall give consideration to geographical exigencies, and the interests of labor, industry, education, the professions, and ethnic groups. The initial trustees shall be selected from the vocational-technical institute's advisory board.

The successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term. Each member shall serve until a successor is appointed and qualified.

No trustee may be an employee of the vocational-technical institute system, a member of the board of directors of any school district, or a member of the governing board of any public or private educational institution.

Each board of trustees shall organize itself by electing a chairperson from its members. The local board of trustees shall adopt a seal and may adopt such bylaws and rules, as it deems necessary for its own government. Three members of the local board of trustees shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws and rules. The local institute president shall serve as, or may designate another person to serve as, the secretary of the local board of trustees, who shall not be deemed to be a member of the local board of trustees.

Members of the boards of trustees may be removed for misconduct or malfeasance in office in the manner provided by RCW 28B.10.500.

NEW SECTION. Sec. 13. Within thirty days of their appointment or July 1, 1992, whichever is sooner, the various district boards of trustees shall organize, adopt bylaws for its own government, and make such rules not inconsistent with this chapter as they deem necessary. At such organizational meeting it shall elect from among its members a chairperson and a vice-chairperson, each to serve for one year, and annually thereafter shall elect such officers to serve until their successors are appointed or qualified. The chief executive officer of the local vocational-technical institute, or his or her designee, shall serve as secretary of the local board of trustees. Three trustees shall constitute a quorum, and no action shall be taken by less than a majority of the trustees of the local board of trustees. The local boards of trustees shall transmit such reports to the institute board as may be requested by the institute board. The fiscal year of the local boards of trustees shall conform to the fiscal year of the state.

NEW SECTION. Sec. 14. Each local vocational-technical institute board of trustees:

- (1) Shall operate the existing vocational-technical institute;
- (2) Shall create comprehensive programs of education and training and maintain an open-door policy in accordance with the provisions of section 10 of this act;
- (3) Shall employ for a period to be fixed by the board of trustees a local institute president for each vocational-technical institute, members of the faculty, and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties. Salary increases shall not exceed the amount or percentage established in the state appropriations act by the legislature as allocated to the board of trustees by the institute board;
- (4) May establish, under the approval and direction of the institute board, new facilities as community needs and interests demand. The authority of local vocational-technical institute boards of trustees to purchase or lease major off-campus facilities shall be subject to the approval of the institute board;
- (5) May establish or lease, operate, equip, and maintain food service facilities, bookstores, and other self-supporting facilities connected with the operation of the vocational-technical institute;
- (6) May, with the approval of the institute board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition, and major alteration of buildings or other capital assets, and the acquisition of sites, rights of way, easements, improvements or appurtenances, food service facilities, and other self-supporting facilities connected with the operation of the local vocational-technical institute in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;
- (7) May receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the vocational-technical institute programs as specified by law and the rules of the institute board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits, and income thereof according to the terms and conditions thereof; and adopt rules to govern the receipt and expenditure of the proceeds, rents, profits, and income thereof;
- (8) May establish and maintain night schools whenever in the discretion of the local board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for vocational-technical institute purposes;
- (9) May make rules for pedestrian and vehicular traffic on property owned, operated, or maintained by the vocational-technical institute;

(10) Shall prescribe, with the assistance of the faculty, the course of study in the various departments of the vocational-technical institute and publish such catalogues and bulletins as may become necessary;

(11) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree, or certificate;

(12) Shall enforce the rules prescribed by the institute board for the government of vocational-technical institutes, students and teachers, and adopt such rules and perform all other acts not inconsistent with law or rules of the institute board as the local board of trustees may in its discretion deem necessary or appropriate to the administration of vocational-technical institutes. Such rules shall include, but not be limited to, rules relating to scholarships, conduct at the various institute facilities, and discipline. The local board of trustees may suspend or expel from the vocational-technical institute students who refuse to obey any of the adopted rules;

(13) May, by written order filed in its office, delegate to the president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the local board of trustees;

(14) May perform such other activities consistent with this chapter and not in conflict with the directives of the institute board;

(15) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules adopted by the institute board. The whole of such special fee shall go to the local institute and be not less than the full instructional costs of such services including any salary increases authorized by the legislature for vocational-technical institute employees during the term of the agreement;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis, charging tuition and fees as set forth in chapter 28B.15 RCW, counting such enrollments for state funding purposes, and may additionally charge a special supplemental fee when necessary to cover the full instructional costs of such services. Such contracts shall be subject to review by the institute board and to such rules as the institute board may adopt for that purpose to assure that the sum of the supplemental fee and the normal state funding does not exceed the projected total cost of offering the educational service. Enrollments generated by courses offered on the basis of contracts requiring payment of a share of the normal costs of the course shall be discounted to the percentage provided by the vocational-technical institute;

(17) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes that would affect the efficiency of the association;

(18) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340(4), may participate in higher education centers and consortia that involve any four-year public or independent college or university; and

(19) Shall perform any other duties and responsibilities imposed by law or rule of the institute board.

NEW SECTION. Sec. 15. Each local board of vocational-technical institute trustees shall appoint a treasurer who shall be the financial officer of the local board of trustees and who shall hold office during the pleasure of the board of trustees. Each treasurer shall render a true and faithful account of all moneys received and paid out by him or her, comply with the provisions of section 16 of this act, and shall give bond for the faithful performance of the duties of his or her office in such amount as the trustees require. The respective local vocational-technical institutes shall pay the fees for any such bonds.

NEW SECTION. Sec. 16. In order that each local institute treasurer appointed in accordance with section 15 of this act may make vendor payments, the state treasurer shall honor warrants drawn by each local vocational-technical institute providing for one initial advance on September 1, 1992, and on July 1 of each succeeding biennium from the state general fund in an amount equal to seventeen percent of each institute's average monthly allotment for such budgeted biennium expenditures as certified by the office of financial management, and at the conclusion of each such initial month, and for each succeeding month of any biennium, the state treasurer shall reimburse each institute for each expenditure incurred and reported monthly by each local institute treasurer in accordance with chapter 43.83 RCW. The reimbursement to each institute for actual expenditures incurred in the final month of each biennium shall be less the initial advance.

NEW SECTION. Sec. 17. The local boards of trustees of the various vocational-technical institutes are hereby directed to create no later than January 1, 1991, at each vocational-technical institute a faculty senate or similar organization to be selected by periodic vote of the faculties.

NEW SECTION. Sec. 18. Any resident of the state may enroll in any program or course maintained or conducted by a vocational-technical institute upon the same terms and conditions regardless of the district of his or her residence.

NEW SECTION. Sec. 19. The institute board shall make information available to all newly matriculated students on methods of transmission of the human immunodeficiency virus and prevention of acquired immunodeficiency syndrome. The curricula and materials shall be reviewed for medical accuracy by the office on AIDS in coordination with the appropriate regional AIDS service network.

NEW SECTION. Sec. 20. Title to or all interest in real estate, choses in action and all other assets, including but not limited to assignable contracts, cash, deposits in county funds (including any interest or premiums thereon), equipment, buildings, facilities, and appurtenances thereto held as of the effective date of this section by or for a school district and obtained identifiably with federal, state, or local funds appropriated for vocational-technical institutes purposes or posthigh school vocational educational purposes, or used or obtained with funds budgeted for posthigh school vocational educational purposes, or used or obtained primarily for vocational-technical institute educational purposes, shall, on the date on which the first board of trustees of each district takes office, vest in or be assigned to the institute board. Cash, funds, accounts, or other deposits obtained or raised by a school district to pay for indebtedness, bonded or otherwise, contracted on or before February 2, 1992, for vocational-technical institute purposes shall remain with and continue to be, after February 2, 1992, an asset of the school district. Any option acquired by the school district to purchase real property which in the judgment of the school district will be used in the common school program may remain with the school district notwithstanding that such option was obtained in consideration of the purchase by such school district of other property for vocational-technical institute purposes. Unexpended funds of a common school district derived from the sale, prior to July 1, 1992, of bonds authorized for any purpose which includes vocational-technical institute purposes and not committed for any existing construction contract, shall remain with and continue to be an asset of such common school district, unless within thirty days after said date such common school district determines to transfer such funds to the board of trustees.

NEW SECTION. Sec. 21. Whenever a common school board has contracted to redeem general obligation bonds used for the construction or acquisition of facilities which are now to be under the administration, control, and occupancy of the institute board, the common school board shall continue to redeem the bonds in accordance with the provisions of the bonds.

NEW SECTION. Sec. 22. All operating fees, services and activities fees, and all other income which the local board of trustees is authorized to impose shall be deposited as the local board of trustees may direct unless otherwise provided by law. Such sums of money shall be subject to the budgetary and audit provisions of law applicable to state agencies. The depository selected by the local board of trustees shall conform to the collateral requirements required for deposit of other state funds.

Disbursement shall be made by check signed by the president of the vocational-technical institute or his or her designee appointed in writing, and such other person as may be designated by the local board of trustees. Each person authorized to sign as provided above, shall execute a surety bond as provided in RCW 43.17.100. Said bond or bonds shall be filed in the office of the secretary of state.

NEW SECTION. Sec. 23. All powers, duties, and functions of the superintendent of public instruction pertaining to vocational-technical institutes are transferred to the vocational-technical institute board. All references to the superintendent of public instruction in the Revised Code of Washington shall be construed to mean the vocational-technical institute board when referring to the functions transferred in this section.

NEW SECTION. Sec. 24. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the superintendent of public instruction pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the vocational-technical institute board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the superintendent of public instruction in carrying out the powers, functions, and duties transferred shall be made available to the vocational-technical institute board. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the vocational-technical institute board.

Any appropriations made to the superintendent of public instruction for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the vocational-technical institute board.

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. 25. All employees of the superintendent of public instruction engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the vocational-technical institute board. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the vocational-technical institute board 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. 26. All rules and all pending business before the superintendent of public instruction pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the vocational-technical institute board. All existing contracts and obligations shall remain in full force and shall be performed by the vocational-technical institute board.

NEW SECTION. Sec. 27. The transfer of the powers, duties, functions, and personnel of the superintendent of public instruction shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 28. If apportionments of budgeted funds are required because of the transfers directed by sections 24 through 27 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. 29. Nothing contained in sections 23 through 28 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. 30. All powers, duties, and functions of the school district pertaining to a vocational-technical institute are transferred to the local vocational-technical institute board of trustees. All references to the school district in the Revised Code of Washington shall be construed to mean the local vocational-technical institute board of trustees when referring to the functions transferred in this section.

NEW SECTION. Sec. 31. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the local school district pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the local vocational-technical institute board of trustees. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the local school district in carrying out the powers, functions, and duties transferred shall be made available to the local vocational-technical institute board of trustees. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the local vocational-technical institute board of trustees.

Any appropriations made to the local school district for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the local vocational-technical institute board of trustees.

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. 32. All employees of the local school district engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the local vocational-technical institute board of trustees. All employees under local collective bargaining agreements are assigned to the local vocational-technical institute board of trustees 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 their service.

NEW SECTION. Sec. 33. All rules and all pending business before the local school district pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the local vocational-technical institute board of trustees. All existing contracts and obligations shall remain in full force and shall be performed by the local vocational-technical institute board of trustees.

NEW SECTION. Sec. 34. The transfer of the powers, duties, functions, and personnel of the local school district shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 35. Nothing contained in sections 30 through 34 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. 36. Vocational-technical institutes shall not be considered common schools for the purpose of Article IX, sections 2 and 3 of the Washington state Constitution.

NEW SECTION. Sec. 37. All employees transferred from the superintendent of public instruction or from a school district shall:

- (1) Retain all rights under their existing contract. After termination of the contract, employees shall have the right to determine who will represent them; and collective bargaining shall be controlled by chapter 28B.52 RCW and the tenure provisions of chapter 28B.50 RCW; and
- (2) Retain the right to remain in their present retirement system.

Sec. 38. Section 1, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.016 are each amended to read as follows:

For the purposes of this title:

- (1) 'State universities' means the University of Washington and Washington State University.
- (2) 'Regional universities' means Western Washington University at Bellingham, Central Washington University at Ellensburg, and Eastern Washington University at Cheney.
- (3) 'State college' means The Evergreen State College in Thurston county.
- (4) 'Institutions of higher education' or 'postsecondary institutions' means the state universities, the regional universities, The Evergreen State College, ~~((and))~~ the community colleges, and the vocational-technical institutes.

Sec. 39. Section 1, chapter 279, Laws of 1971 ex. sess. as amended by section 33, chapter 169, Laws of 1977 ex. sess. and RCW 28B.15.005 are each amended to read as follows:

- (1) 'Colleges and universities' for the purposes of this chapter shall mean Central Washington University at Ellensburg, Eastern Washington University at Cheney, Western Washington University at Bellingham, The Evergreen State College in Thurston county, community colleges as are provided for in chapter 28B.50 RCW, the University of Washington, ~~((and))~~ Washington State University, and the vocational-technical institutes.
- (2) 'State universities' for the purposes of this chapter shall mean the University of Washington and Washington State University.
- (3) 'Regional universities' for the purposes of this chapter shall mean Central Washington University, Eastern Washington University and Western Washington University.
- (4) 'Community colleges' for the purposes of this chapter includes vocational-technical institutes as defined in section 7 of this act that are subject to the provisions of Title 28D RCW.

Sec. 40. Section 2, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 96, Laws of 1987 and by section 1, chapter 137, Laws of 1987 and RCW 28B.15.012 are each reenacted and amended to read as follows:

Whenever used in chapter 28B.15 RCW:

- (1) The term 'institution' shall mean a public university, college, ~~((or))~~ community college, or vocational-technical institute within the state of Washington.
- (2) The term 'resident student' shall mean: (a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational; (b) a dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution; (c) a student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous; or (d) any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.
- (3) The term 'nonresident student' shall mean any student who does not qualify as a 'resident student' under the provisions of RCW 28B.15.011 through 28B.15.014 and 28B.15.015, each as now or hereafter amended. A nonresident student shall include:
 - (a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.
 - (b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold 'Refugee-Parolee' or 'Conditional Entrant' status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in RCW 28B.15.011 through 28B.15.014 and 28B.15.015, each as now or hereafter amended.
 - (4) The term 'domicile' shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term 'dependent' shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the board may require.

Sec. 41. Section 1, chapter 304, Laws of 1983 as amended by section 27, chapter 370, Laws of 1985 and RCW 28B.80.280 are each amended to read as follows:

The board shall, in cooperation with the state institutions of higher education ~~((and)),~~ the state board for community college education, and the vocational-technical institute board establish and maintain a state-wide transfer of credit policy and agreement. The policy and agreement shall, where feasible, include course and program descriptions consistent with state-wide interinstitutional guidelines. The institutions of higher education shall provide support and staff resources as necessary to assist in developing and maintaining this policy and agreement. The state-wide transfer of credit policy and agreement shall be effective beginning with the 1985-86 academic year. The board shall report on developments toward that objective at the 1987 regular session of the legislature.

Sec. 42. Section 3, chapter 370, Laws of 1985 and RCW 28B.80.320 are each amended to read as follows:

The purpose of the board is to provide planning, coordination, monitoring, and policy analysis for higher education in the state of Washington in cooperation and consultation with the institutions' autonomous governing boards and with all other segments of postsecondary education, including but not limited to the state board for community college education ~~((and)),~~ the ~~((commission))~~ state board for vocational education, and the vocational-technical institute board. The legislature intends that the board represent the broad public interest above the interests of the individual colleges and universities.

NEW SECTION. Sec. 43. There is hereby created in the Revised Code of Washington a new title to be designated Title 28D RCW.

NEW SECTION. Sec. 44. Sections 5 through 23, 30, 36, and 37 of this act shall constitute a new chapter in Title 28D RCW, created in section 43 of this act.

NEW SECTION. Sec. 45. Sections 5 through 44 of this act shall take effect July 1, 1992.

NEW SECTION. Sec. 46. Sections 1 through 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Renumber the sections consecutively and correct internal references accordingly.

Representatives Dorn, Schoon and Ebersole spoke in favor of adoption of the amendments, and Ms. Walker spoke against them.

The amendments were adopted.

The Clerk read the following amendments by Representatives Jacobsen and Walker:

On page 1, line 17, after "commission" insert "and other duties assigned by the governor"

On page 2, after line 14, insert the following:

"Sec. 5. Section 2, chapter 299, Laws of 1986 and RCW 28C.10.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Agency' means the ~~((commission))~~ state board for vocational education or its successor.

(2) 'Agent' means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) 'Degree' means any designation, appellation, letters, or words including but not limited to 'associate,' 'bachelor,' 'master,' 'doctor,' or 'fellow' which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) 'Education' includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) 'Educational credentials' means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(6) 'Entity' includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) 'Private vocational school' means any location where an entity offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) 'To grant' includes to award, issue, sell, confer, bestow, or give.

(9) 'To offer' includes, in addition to its usual meanings, to advertise or publicize. 'To offer' also means to solicit or encourage any person, directly or indirectly, to perform the act described.

(10) 'To operate' means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state, and includes contracting for the performance of any such act.

Sec. 6. Section 3, chapter 299, Laws of 1986 and RCW 28C.10.030 are each amended to read as follows:

This chapter does not apply to:

(1) Bona fide trade, business, professional, or fraternal organizations sponsoring educational programs primarily for that organization's membership or offered by that organization on a no-fee basis;

(2) Entities offering education that is exclusively avocational or recreational;

(3) Education not requiring payment of money or other consideration if this education is not advertised or promoted as leading toward educational credentials;

(4) Entities that are established, operated, and governed by this state or its political subdivisions under Title 28A, 28B, or 28C RCW;

(5) Degree-granting programs in compliance with the rules of the higher education coordinating board;

(6) Any other entity to the extent that it has been exempted from some or all of the provisions of this chapter under RCW 28C.10.100;

(7) Entities not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives and represented accurately in institutional catalogs or other official publications;

(8) Entities offering only courses certified by the federal aviation administration;

(9) Barber and cosmetology schools licensed under chapter 18.16 RCW;

(10) Entities which only offer courses approved to meet the continuing education requirements for licensure under chapters 18.04, 18.78, 18.88, or 48.17 RCW; and

(11) Entities not otherwise exempt offering only workshops or seminars lasting no longer than three calendar days.

Sec. 7. Section 5, chapter 299, Laws of 1986 as amended by section 3, chapter 459, Laws of 1987 and RCW 28C.10.050 are each amended to read as follows:

(1) The agency shall adopt by rule minimum standards for private vocational schools. The minimum standards shall include, but not be limited to, requirements for each school to:

(a) Disclose to the agency information about its ownership and financial position and to demonstrate that it has sufficient financial resources to fulfill its commitments to students. Financial disclosures provided to the agency shall not be subject to public disclosure under chapter 42.17 RCW((:));

(b) Follow a uniform state-wide cancellation and refund policy as specified by the agency((:));

(c) Disclose through use of a school catalog, brochure, or other written material, necessary information to students so that students may make informed enrollment decisions. The agency shall specify what information is required((:));

(d) Use an enrollment contract or agreement that includes: (i) The cancellation and refund policy, (ii) a brief statement that the school is licensed under this chapter and that inquiries may be made to the agency, and (iii) other necessary information as determined by the agency((:));

(e) Describe accurately and completely in writing to students before their enrollment prerequisites and requirements for (i) completing successfully the programs of study in which they are interested and (ii) qualifying for the fields of employment for which their education is designed((:));

(f) Comply with the requirements of RCW 28C.10.084((:));

((2)) (g) Assess the basic skills and relevant aptitudes of each potential student to determine that a potential student has the basic skills and relevant aptitudes necessary to complete and benefit from the program in which the student plans to enroll. Guidelines for such assessments shall be developed by the agency, in consultation with the schools. The method of assessment shall be reported to the agency. Assessment records shall be maintained in the student's file;

(h) Discuss with each potential student the potential student's obligations in signing any enrollment contract and/or incurring any debt for educational purposes. The discussion shall include the inadvisability of acquiring an excessive educational debt burden that will be difficult to repay given employment opportunities and average starting salaries in the potential student's chosen occupation.

(2) Any enrollment contract shall have an attachment in a format provided by the agency. The attachment shall be signed by both the school and the student. The attachment shall stipulate that the school has complied with subsection (1)(h) of this section and that the student understands and accepts his or her responsibilities in signing any enrollment contract or debt application. The attachment shall also stipulate that the enrollment contract shall not be binding for at least five days, excluding Sundays and holidays, following signature of the enrollment contract by both parties.

(3) The agency shall deny, revoke, or suspend the license of any school that does not meet or maintain the minimum standards.

Sec. 8. Section 1, chapter 459, Laws of 1987 and RCW 28C.10.084 are each amended to read as follows:

(1) The agency shall establish, maintain, and administer a tuition recovery fund. All funds collected for the tuition recovery fund are payable to the state for the benefit and protection of any student or enrollee of a private vocational school licensed under this chapter, or, in the case of a minor, his or her parents or guardian, for purposes including but not limited to the settlement of claims procedures under subsection (9) of this section and RCW 28C.10.120. The fund shall be liable for settlement of claims and costs of administration but shall not be liable to pay out or recover penalties assessed under RCW 28C.10.130 or 28C.10.140. No liability accrues to the state of Washington from claims made against the fund.

(2) To be and remain licensed under this chapter each entity shall, in addition to other requirements under this chapter, make cash deposits into a tuition recovery fund as a means to assure payment of claims brought under this chapter. The fund shall be initially capitalized at two hundred thousand dollars and shall achieve an operating balance of at least one million dollars within five years after May 18, 1987, as required under subsection (5) of this section.

(3) The amount of liability that can be satisfied by this fund on behalf of each individual entity licensed under this chapter shall be established by the agency, based on an incremental scale that recognizes the average amount of unearned prepaid tuition in possession of the entity. However, the minimum amount of liability for any entity shall not be less than five thousand dollars and the maximum amount shall not exceed two hundred thousand dollars. Such limitation on each entity's liability remains unchanged by single or cumulative disbursements made on behalf of the entity. The upper limit of liability is reestablished following the settlement of any claim.

(4) Within sixty days after any entity deposits its initial contribution into the fund, the agency shall release whatever surety such entity had previously filed. Thereupon, the tuition recovery fund shall be liable for a period of one year following the date such surety is released with respect to prior claims against the surety. However, the liability of the fund is limited to the amount of and subject to the defenses of that released surety as though it had remained on file with the agency. The fund's liability with respect to each entity that makes an initial deposit into the fund commences on that date and ceases one year from the date it is no longer licensed under this chapter.

(5) The agency shall adopt by rule a matrix for calculating the deposits into the fund required of each entity. Proration shall be determined by factoring the entity's share of liability in proportion to the aggregated liability of all participants under the fund by grouping such prorations under the incremental scale created in subsection (3) of this section. Expressed as a percentage of the total liability, that figure determines the amount to be contributed when factored into a fund containing one million dollars. The total amount of its prorated share, minus the amount paid for initial capitalization, shall be payable in ten equal increments over a five-year period, commencing with the sixth month after May 18, 1987. Additionally, the agency shall require deposits for initial capitalization, under which the amount each entity deposits is proportionate to its share of two hundred thousand dollars, employing the matrix developed under this subsection. The amount thus established shall be deposited by each licensee of record, within thirty days after May 18, 1987, and a like amount shall be deposited by each subsequent applicant for licensing before the issuance of such license.

(6) No vested right or interests in deposited funds is created or implied for the depositor, either at any time during the operation of the fund or at any such future time that the fund may be dissolved. All funds deposited are payable to the state for the purposes described under this section. The agency shall maintain the fund, collect deposits when due by serving appropriate notices to affected entities, and make disbursements to settle claims. When the deposits total five million dollars and the history of disbursements so warrants, the agency may at its own option reduce the schedule of deposits whether as to time, amount, or both. When such level is achieved, the agency may also entertain proposals from among the licensees with regard to disbursing surplus funds for such purposes as vocational scholarships.

(7) The agency shall make determinations based on annual financial data supplied by the entity whether the increment assigned to that entity on the incremental scale established under subsection (5) of this section has changed. If an increase or decrease has occurred, a corresponding change in its incremental position and contribution schedule shall be made before the date of its next scheduled deposit into the fund.

(8) If fifty-one percent or more of the ownership interest in an entity is conveyed through sale or other means into different ownership, the contribution schedule of the prior owner is canceled. All contributions made to the date of transfer accrue to the fund. The new owner commences contributions under provisions applying to a new applicant.

(9) To settle complaints adjudicated under RCW 28C.10.120 and claims resulting ((from closure of an entity)) when a private vocational school ceases to provide educational services, the agency may make disbursements from the fund. In addition to the processes described under RCW 28C.10.120 for handling complaints, the following additional procedures are established to deal with school closures:

(a) The agency shall attempt to notify all potential claimants. The absence of records and other circumstances may make it impossible or unreasonable for the agency to ascertain the names and whereabouts of each potential claimant but the agency shall make reasonable inquiries to secure that information from all likely sources. The agency shall then proceed to settle the claims on the basis of information in its possession. The agency is not responsible or liable for claims or for handling claims that may subsequently appear or be discovered.

(b) Thirty days after identified potential claimants have been notified, if a claimant refuses or neglects to file a claim verification as requested in such notice, the agency shall be relieved of further duty or action on behalf of the claimant under this chapter.

(c) After verification and review, the agency may disburse funds from the tuition recovery fund to settle or compromise the claims. However, the liability of the fund for claims against the closed entity shall not exceed that total amount of the contribution schedule assigned to that entity under subsection (5) of this section.

(d) The agency shall seek to recover such disbursed funds from the assets of the defaulted entity, including but not limited to asserting claims as a creditor in bankruptcy proceedings.

(10) When funds are disbursed to settle claims against a current licensee, the agency shall make demand upon the licensee for recovery. The agency shall adopt schedules of times and amounts acceptable for effecting recoveries. An entity's failure to perform subjects its license to suspension or revocation under RCW 28C.10.050 in addition to any other available remedies.

(11) A minimum operating balance of two hundred thousand dollars shall be maintained in the fund. If disbursements reduce the balance below two hundred thousand dollars, each participating entity shall be assessed a prorata share of the deficiency created, based upon the incremental scale created under subsection (5) of this section. The agency shall promptly adopt schedules of times and amounts acceptable for affecting payments of assessments.

Sec. 9. Section 11, chapter 299, Laws of 1986 and RCW 28C.10.110 are each amended to read as follows:

It is an unfair business practice for a private vocational school or agent to:

- (1) Fail to comply with the terms of a student enrollment contract or agreement;
- (2) Use an enrollment contract form, catalog, brochure, or similar written material affecting the terms and conditions of student enrollment other than that previously submitted to the agency and authorized for use;
- (3) Advertise in the help wanted section of a newspaper or otherwise represent falsely, directly or by implication, that the school is an employment agency, is making an offer of employment or otherwise is attempting to conceal the fact that what is being represented are course offerings of a school;
- (4) Represent falsely, directly or by implication, that an educational program is approved by a particular industry or that successful completion of the program qualifies a student for admission to a labor union or similar organization or for the receipt of a state license in any business, occupation, or profession;
- (5) Represent falsely, directly or by implication, that a student who successfully completes a course or program of instruction may transfer credit for the course or program to any institution of higher education;
- (6) Represent falsely, directly or by implication, in advertising or in any other manner, the school's size, location, facilities, equipment, faculty qualifications, or the extent or nature of any approval received from an accrediting association;
- (7) Represent that the school is approved, recommended, or endorsed by the state of Washington or by the agency, except the fact that the school is authorized to operate under this chapter may be stated;
- (8) Provide prospective students with any testimonial, endorsement, or other information which has the tendency to mislead or deceive prospective students or the public regarding current practices of the school, current conditions for employment opportunities, or probable earnings in the occupation for which the education was designed;
- (9) Designate or refer to sales representatives as 'counselors,' 'advisors,' or similar terms which have the tendency to mislead or deceive prospective students or the public regarding the authority or qualifications of the sales representatives;
- (10) Make or cause to be made any statement or representation in connection with the offering of education if the school or agent knows or reasonably should have known the statement or representation to be false, substantially inaccurate, or misleading; ((or))

(11) Engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair, as determined by the agency by rule; or

(12) Attempt to recruit students in or within forty feet of a building that contains a welfare or unemployment office. Recruiting includes, but is not limited to canvassing and surveying. Recruiting does not include leaving materials at or near an office for a person to pick up of his or her own accord, or handing a brochure or leaflet to a person provided that no attempt is made to obtain a name, address, telephone number, or other data, or to otherwise actively pursue the enrollment of the individual.

It is a violation of this chapter for a private vocational school to engage in an unfair business practice.

Sec. 10. Section 12, chapter 299, Laws of 1986 as amended by section 83, chapter 175, Laws of 1989 and RCW 28C.10.120 are each amended to read as follows:

(1) A person claiming loss of tuition or fees as a result of an unfair business practice may file a complaint with the agency. The complaint shall set forth the alleged violation and shall contain information required by the agency. A complaint may also be filed with the agency by an authorized staff member of the agency or by the attorney general.

(2) The agency shall investigate any complaint under this section and may attempt to bring about a settlement. The agency may hold a hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW, in order to determine whether a violation has occurred. ~~(If the agency prevails, the private vocational school shall pay the costs of the administrative hearing.)~~

(3) If, after the hearing, the agency finds that the private vocational school or its agent engaged in or is engaging in any unfair business practice, the agency shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties under RCW 28C.10.130. If the agency finds that the complainant has suffered loss as a result of the act or practice, the agency may order full or partial restitution for the loss. The complainant is not bound by the agency's determination of restitution and may pursue any other legal remedy.

(4) If the agency prevails in any administrative hearing, the private vocational school shall pay the costs of the administrative hearing.

NEW SECTION. Sec. 11. Until December 31, 1990, the agency shall distribute copies of sections 5 through 10 of this act to each private vocational school licensed by the agency. Renumber the sections consecutively and correct internal references accordingly.

On page 2, line 15, after "Sec. 5," strike "This" and insert "Sections 1 through 4 of this"

On page 2, line 16, after "Sec. 6," strike "This act is" and insert "Sections 1 through 4 and 11 of this act are"

With consent of the House, Representative Jacobsen withdrew the amendments.

The Clerk read the following amendment by Representative Walker:

On page 2, after line 14, insert:

"NEW SECTION. Sec. 5. In cooperation with the superintendent of public instruction, school districts, business, labor, and the legislature, the board shall study the governance and related issues of the five public vocational technical institutes. The study shall consider the advisability of creating a new governing structure for the institutes. At least one member from each caucus in the senate and the house of representatives shall be offered an opportunity to participate in the study. The board shall report its findings and recommendations to the governor and the legislature by December 15, 1990."

Renumber the remaining sections consecutively and correct any internal references accordingly.

With consent of the House, Representative Walker withdrew the amendment.

The Clerk read the following amendment by Representative Walker:

On page 2, after line 17 of the amendment, insert:

"NEW SECTION. Sec. 5. In cooperation with the superintendent of public instruction, school districts, business, labor, and the legislature, the board shall study the governance and related issues of the five public vocational technical institutes. The study shall consider the advisability of creating a new governing structure for the institutes. At least one member from each caucus in the senate and the house of representatives shall be offered an opportunity to participate in the study. The board shall report its findings and recommendations to the governor and the legislature by December 15, 1990."

Renumber the remaining sections consecutively and correct any internal references accordingly.

With consent of the House, Representative Walker withdrew the amendment.

The Clerk read the following amendment by Representatives Walker, Holland, Braddock, Kremen, Youngsman, Leonard, Prentice and Miller:

On page 12, after line 6 of the amendment, strike all material through line 29 on page 34. Renumber the sections consecutively and correct internal references accordingly.

With consent of the House, Representative Walker withdrew the amendment.

With consent of the House, the following amendment by Representatives Dorn, Ferguson, Ebersole and Schoon to the title was adopted:

On page 1, line 1 of the title, after "education;" strike "creating new sections; providing an expiration date;" and insert "amending RCW 28B.10.016, 28B.15.005, 28B.80.280, and 28B.80.320; reenacting and amending RCW 28B.15.012; adding a new title to the Revised Code of Washington to be codified as Title 28D RCW; creating new sections; prescribing penalties; providing an effective date:"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dorn and Ferguson spoke in favor of passage of the bill, and Ms. Walker spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5545 as amended by the House, and the bill passed the House by the following vote: Yeas, 65; nays, 32; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Brekke, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prince, Pruitt, Railer, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Sommers H, Sprengle, Todd, Valle, Van Luven, Vekich, Wang, Wilson K, Wineberry, Wood, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Betrozoff, Bowman, Braddock, Brooks, Brough, Brumsickle, Cole, Forner, Fuhrman, Hankins, Holland, Horn, Kremen, Leonard, May, McLean, Miller, Moyer, Nealey, Padden, Prentice, Schmidt, Silver, Smith, Sommers D, Spanel, Tate, Walker, Wilson S, Winsley, Wolfe, Youngsman - 32.

Excused: Representative Chandler - 1.

Engrossed Substitute Senate Bill No. 5545 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6411, by Senators Lee, Smitherman, Warnke, Bender and Rasmussen; by request of Governor

Establishing an employment training program.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.) Committee on Appropriations recommendation: Majority, do pass with amendments by Committee on Trade & Economic Development as amended by Committee on Appropriations. (For committee amendment, see Journal, 50th Day, February 26, 1990.)

Ms. Cantwell moved adoption of the committee amendment by Committee on Trade & Economic Development.

Mr. Grant moved adoption of the amendment by Committee on Appropriations to the committee amendment by Committee on Trade & Economic Development and spoke in favor of it. The committee amendment to the committee amendment was adopted.

The Clerk read the following amendment by Representative Schoon to the committee amendment by Committee on Trade & Economic Development:

On page 9, line 13 of the amendment, after "organization," strike "including the governance of vocational technical institutes."

With consent of the House, Representative Schoon withdrew the amendment to the committee amendment.

Mr. Schoon moved adoption of the following amendment to the committee amendment by Committee on Trade & Economic Development:

On page 9, line 37 of the amendment, after "skills" strike "to five percent by the year 2010"

Mr. Schoon spoke in favor of adoption of the amendment to the committee amendment, and Mr. Wineberry spoke against it.

The amendment to the committee amendment was not adopted.

Mr. Schoon moved adoption of the following amendments to the committee amendment by Committee on Trade & Economic Development:

On page 10, line 3 of the amendment, strike subsection (a)

Reumber remaining subsections consecutively and correct internal references accordingly.

On page 10, line 10 of the amendment, after "services" strike "to achieve recommended state policies and objectives"

On page 10, line 23 of the amendment, after "successes" strike "and monitor compliance with recommended state policies and objectives"

Mr. Schoon spoke in favor of adoption of the amendments to the committee amendment, and Mr. Wineberry spoke against them.

POINT OF INQUIRY

Mr. Wineberry yielded to question by Mr. Schoon.

Mr. Schoon: Representative Wineberry, the point I am seeking to strike on page 10, line 3, wants recommendations on the objectives in our adult literacy activities, and I am curious as to what those recommendations are. That is what we are trying to modify--the objectives to guide the adult literacy program--and I couldn't find any. Are you aware of any in existence? These are the policies that exist on which we are seeking recommendations, and those are what I couldn't find.

Mr. Wineberry: The policies, Representative Schoon, to which you refer, can be found in legislation that we have passed in previous sessions, particularly through the Committee on Higher Education, and in our community colleges where we do focus on adult basic education programs both with funding and with increased FTEs to allow for the teaching of the basic skills including language, reading and writing. As I said before, on your earlier amendment, the current percentage is between fifteen and twenty percent, so this is consistent with lowering the percentage of our population that is suffering from reading and writing illiteracy at this time. The policies are in previous legislation that we have passed and on which you have voted with the rest of us.

Mr. Schoon: This seeks to make recommendations on the objectives. Can you tell me what some of the objectives are?

Mr. Wineberry: I would be happy to work with you and go through the legislation, that we have worked together to pass, to pull out those objectives for your information.

The amendments to the committee amendment were not adopted.

Mr. Jacobsen moved adoption of the following amendments by Representatives Jacobsen and Van Luvan to the committee amendment by Committee on Trade & Economic Development:

On page 11, line 12 of the amendment, strike "and"

On page 11, after line 12 of the amendment, insert "(12) Recommendations for the accountability at the state level for the Washington institute of applied technology and alternative methods for governance; and"

Reumber the remaining subsections consecutively and correct any internal references accordingly.

Mr. Jacobsen spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

The committee amendment by Committee on Trade & Economic Development as amended was adopted.

With consent of the House, the committee amendment by Committee on Trade & Economic Development to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Rector spoke in favor of passage of the bill.

The Speaker called on Representative Wang to preside.

Representatives Day, Schoon and Wineberry spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6411 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Loven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Engrossed Senate Bill No. 6411 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Engrossed Senate Bill No. 6164 on the second reading calendar. The motion was carried.

ENGROSSED SENATE BILL NO. 6164, by Senators Newhouse, Talmadge, Warnke, Benitz, Bauer, Rasmussen, Conner, Barr, Moore, Sutherland, Hansen and Kreidler

Revising provisions for the transportation of food products.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Agriculture & Rural Development.

Ms. Rayburn moved adoption of the committee amendment by Committee on Agriculture & Rural Development.

Mr. Jesernig moved adoption of the following amendments by Representatives Jesernig, Rayburn, Baugher, Heavey, Phillips, Nealey and McLean to the committee amendment:

On page 5, line 1 of the committee amendment, after "transported" insert "by other than railroad car"

On page 5, line 12 of the committee amendment, after "act." insert "The director of agriculture and the secretary of health shall jointly adopt rules requiring such certificates for the transportation of food under this section by railroad car and requiring such certificates to be available for inspection concerning compliance with sections 1 through 7 of this act."

Representatives Jesernig, Nealey and Heavey spoke in favor of the amendments to the committee amendment, and they were adopted.

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6164 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Engrossed Senate Bill No. 6164 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Senate Bill No. 6562 on the second reading calendar. The motion was carried.

SENATE BILL NO. 6562, by Senators Craswell, Smitherman, Owen and Kreidler

Creating additional superior court positions in Kitsap and Thurston counties.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 50th Day, February 26, 1990.)

Mr. Grant moved adoption of the committee amendment by Committee on Appropriations and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Meyers, Zellinsky and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6562 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Senate Bill No. 6562 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Senate Bill No. 6213 on the second reading calendar. The motion was carried.

SENATE BILL NO. 6213, by Senators West and Rasmussen

Revising provisions for reimbursement to department of social and health services employees for costs related to assaults.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sayan and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6213, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Loven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Senate Bill No. 6213, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6289, by Committee on Agriculture (originally sponsored by Senator Barr; by request of Department of Agriculture)

Providing the director of agriculture with organizational flexibility.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6289, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Loven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Senate Bill No. 6289, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6290, by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Stratton, Williams, Nelson, Bluechel, Metcalf and Owen)

Revising provisions for telecommunications devices for the hearing impaired and speech impaired and repealing the expiration date.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 40th Day, February 16, 1990.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Energy & Utilities.

Mr. Nelson moved adoption of the committee amendment by Committee on Energy & Utilities. Representatives Nelson and Hankins spoke in favor of adoption of the committee amendment, and it was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6290 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 6290 as amended by the House, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6310, by Committee on Ways & Means (originally sponsored by Senators Metcalf, Owen, DeJarnatt, McMullen, Smith, Amondson, Anderson, Warnke, Thorsness, von Reichbauer and Rasmussen; by request of Department of Fisheries)

Providing a funding mechanism for regional fisheries enhancement groups.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 45th Day, February 21, 1990.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Fisheries & Wildlife.

Mr. R. King moved adoption of the committee amendment by Committee on Fisheries & Wildlife and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Basich spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6310 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Second Substitute Senate Bill No. 6310 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6348, by Committee on Transportation (originally sponsored by Senators Madsen, Patrick, Bender and Patterson)

Permitting temporary-use nonpneumatic spare tires.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6348, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolle, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 6348, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6370, by Senators von Reichbauer, DeJarnatt, Patrick, McCaslin and Thorsness

Changing provisions relating to changing the name of a city or town.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

Mr. Cooper moved adoption of the committee amendment.

Ms. Brough moved adoption of the following amendment to the committee amendment:

On page 1, line 23, after "election," insert "However, for any newly incorporated city or town that has not had city officials elected at a normal general municipal election, the election that is used as the base for determining the number of required signatures shall be the election at which the initial elected officials were elected."

Representatives Brough, Schoon and Haugen spoke in favor of adoption of the amendment to the committee amendment. Ms. Brough again spoke in favor of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representatives Cooper and Haugen spoke in favor of the committee amendment as amended, and it was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6370 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolle, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Schoon - 1.

Excused: Representative Chandler - 1.

Senate Bill No. 6370 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Heavey moved that the House defer consideration of Second Substitute Senate Bill No. 6418 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 6426, by Committee on Transportation (originally sponsored by Senators Cantu, Bender, Patterson and McDonald)

Revising the Scenic and Recreational Highway System.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6426, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Loven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 6426, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6453, by Committee on Financial Institutions & Insurance (originally sponsored by Senators Sellar and Barr)

Authorizing the supervisor of banking to examine agricultural lenders participating in loan guaranty programs.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6453, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Loven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 6453, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6494, by Committee on Children & Family Services (originally sponsored by Senators Smith, Vognild, Bailey, Stratton and Conner)

Revising provisions for adoption.

The bill was read the second time.

Ms. Hine moved adoption of the following amendments by Representatives Hine, Moyer and Sayan:

On page 2, after line 20, insert the following:

"(13) 'Birth parent' means the biological mother or biological or alleged father of a child, including a presumed father under chapter 26.26 RCW, whether or not any such person's parent-child relationship has been terminated by a court of competent jurisdiction. 'Birth parent' does not include a biological mother or biological or alleged father, including a presumed father under chapter 26.26 RCW, if the parent-child relationship was terminated because of an act for which the person was found guilty under chapter 9A.42 or 9A.44 RCW."

On page 5, after line 6, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 26.33 RCW to read as follows:

(1) Nothing in this chapter shall be construed to prohibit the parties to a proceeding under this chapter from entering into agreements regarding communication with or contact between child adoptees, adoptive parents, and a birth parent or parents.

(2) Agreements regarding communication with or contact between child adoptees, adoptive parents, and a birth parent or parents shall not be legally enforceable unless the terms of the agreement are set forth in a written court order entered in accordance with the provisions of this section. The court shall not enter a proposed order unless the terms of such order have been approved in writing by the prospective adoptive parents, any birth parent whose parental rights have not previously been terminated, and, if the child is in the custody of the department or a licensed child-placing agency, a representative of the department or child-placing agency. If the child is represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child-custody proceeding, the terms of the proposed order also must be approved in writing by the child's representative. An agreement under this section need not disclose the identity of the parties to be legally enforceable. The court shall not enter a proposed order unless the court finds that the communication or contact between the child adoptee, the adoptive parents, and a birth parent or parents as agreed upon and as set forth in the proposed order, would be in the child adoptee's best interests.

(3) Failure to comply with the terms of an agreed order regarding communication or contact that has been entered by the court pursuant to this section shall not be grounds for setting aside an adoption decree or revocation of a written consent to an adoption after that consent has been approved by the court as provided in this chapter.

(4) An agreed order entered pursuant to this section may be enforced by a civil action and the prevailing party in that action may be awarded, as part of the costs of the action, a reasonable amount to be fixed by the court as attorneys' fees. The court shall not modify an agreed order under this section unless it finds that the modification is necessary to serve the best interests of the child adoptee; and that: (a) The modification is agreed to by the adoptive parents and the birth parent or parents; or (b) exceptional circumstances have arisen since the agreed order was entered that justify modification of the order."

Re-number remaining sections consecutively and correct internal references accordingly.

Representatives Hine and Moyer spoke in favor of adoption of the amendments, and they were adopted.

With consent of the House, the following amendment by Representatives Hine, Moyer and Sayan to the title was adopted:

On page 1, line 3 of the title, after "74.13.031," insert "adding a new section to chapter 26.33 RCW:"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Sayan spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6494 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 6494 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Heavey moved that the House defer consideration of Engrossed Substitute Senate Bill No. 6501 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 6583, by Senators McDonald, Metcalf, Sutherland, Barr, Amondson, Benitz, Warnke and Johnson

Changing provisions relating to air pollution control authorities.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass. Committee on Revenue recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 50th Day, February 26, 1990.)

Mr. Pruitt moved that the House do not adopt the committee amendment. Mr. Pruitt spoke in favor of the motion, and it was carried.

Mr. Pruitt moved adoption of the following amendment by Representatives Pruitt, Morris, D. Sommers and Raiter:

On page 1, after the enacting clause, insert the following:

*Sec. 1. Section 28, chapter 238, Laws of 1967 as last amended by section 37, chapter 109, Laws of 1987 and RCW 70.94.151 are each amended to read as follows:

(1) The board of any activated authority or the department, may classify air contaminant sources, by ordinance, resolution, rule or regulation, which in its judgment may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which cause or contribute to air pollution, and may require registration or reporting or both for any such class or classes. Classifications made pursuant to this section may be for application to the area of jurisdiction of such authority, or the state as a whole or to any designated area within the jurisdiction, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(2) Any person operating or responsible for the operation of air contaminant sources of any class for which the ordinances, resolutions, rules or regulations of the department or board of the authority, require registration and reporting shall register therewith and make reports containing information as may be required by such department or board concerning location, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. The department or board may require that such registration be accompanied by a fee and may determine the amount of such fee for such class or classes: PROVIDED: That the amount of the fee shall only be to compensate for the costs of administering such registration program which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program: PROVIDED FURTHER, That registration fee schedules adopted by the board of any activated authority as of January 1, 1990, may not be increased by more than five percent per year beginning January 1, 1990, through January 1, 1995; PROVIDED FURTHER, That any such registration made with either the board or the department shall preclude a further registration with any other board or the department.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Mr. Pruitt spoke in favor of adoption of the amendment.

The Speaker resumed the Chair.

The amendment was adopted.

With consent of the House, the following amendment by Representatives Pruitt, Morris, D. Sommers and Raiter was adopted:

On page 1, line 1 of the title, after "amending" strike "RCW 70.94.431" and insert "RCW 70.94.151 and 70.94.431"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and D. Sommers spoke in favor of passage of the bill.

The Speaker called on Representative Wang to preside.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6583 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Senate Bill No. 6583 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Heavey moved that the House immediately consider Engrossed Substitute Senate Bill No. 6501 on the second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6501, by Committee on Agriculture (originally sponsored by Senators Barr, Hansen, Bailey, Newhouse, Gaspard and Bauer)

Creating a central filing system for security interests in farm crops.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.) Committee on Appropriations recommendation: Majority, do pass with amendments by Committee on Judiciary as amended by Committee on Appropriations. (For committee amendments, see Journal, 50th Day, February 26, 1990.)

Mr. Appelwick moved adoption of the committee amendment by Committee on Judiciary.

Mr. Grant moved adoption of the committee amendments by Committee on Appropriations to the committee amendment by Committee on Judiciary. Mr. Grant spoke in favor of adoption of the committee amendments to the committee amendment, and they were adopted.

The committee amendment by Committee on Judiciary as amended was adopted.

With consent of the House, the committee amendment by Committee on Judiciary to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Nealey spoke against passage of the bill, and Mr. Appelwick spoke in favor of passage of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6501 as amended by the House, and the bill passed the House by the following vote: Yeas, 87; nays, 10; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Bennett, Bowman, Braddock, Brekke, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hankins,

Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Ballard, Beck, Betrozoff, Brooks, Fuhrman, Kirby, May, McLean, Nealey, Youngsman - 10.

Excused: Representative Chandler - 1.

Engrossed Substitute Senate Bill No. 6501 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6642, by Committee on Economic Development & Labor (originally sponsored by Senators McMullen and Matson)

Revising the Washington Marketplace Program.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cantwell and Doty spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6642, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Substitute Senate Bill No. 6642, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Second Substitute Senate Bill No. 6832 on the second reading calendar. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 6832, by Committee on Ways & Means (originally sponsored by Senators Nelson, Talmadge, Niemi and Rasmussen)

Authorizing a study of the state's juvenile rehabilitation system.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sayan and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6832, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van

Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Brekke - 1.

Excused: Representative Chandler - 1.

Second Substitute Senate Bill No. 6832, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6839, by Senator Barr

Providing for protection of the Kettle River.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 23, 1990.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Natural Resources & Parks.

Ms. K. Wilson moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. K. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6839 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Chandler - 1.

Engrossed Senate Bill No. 6839 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6868, by Committee on Children & Family Services (originally sponsored by Senators Stratton, Smith, Bailey, Vognild, Talmadge, Craswell, Owen, McMullen, Saling and West)

Modifying guardianship provisions regarding incapacitated persons.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

Mr. Appelwick moved adoption of the committee amendments on page 7, lines 8 and 9. Mr. Appelwick spoke against adoption of the committee amendments, and they were not adopted.

Mr. Appelwick moved adoption of the committee amendments on pages 6, 10, 11, 17, 18, 19, 32, 35, 40 and 47.

The Clerk read the following amendment to the committee amendments:

On page 1, line 11 of the amendment, after "size" strike "of not less than 10 characters per inch" and insert "not smaller than ten-point type"

MOTION

Mr. Ebersole moved that the House defer further consideration of Engrossed Substitute Senate Bill No. 6868 and that the bill hold its place on the second reading calendar. The motion was carried.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 90-4759, by Representatives Hine, Brough, G. Fisher, Schoon, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brumsickle, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, R. Fisher, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kirby, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, The citizens of Sea-Tac and Federal Way are today celebrating their first day of cityhood; and

WHEREAS, The citizens of these areas demonstrated their beliefs that grassroots citizen participation and involvement could positively influence their lives; and

WHEREAS, An active citizenry took these beliefs and began working toward forming a local government that could better respond to demands for improved local services and elected representation; and

WHEREAS, On March 14, 1989 a special election was held in which the voters of Sea-Tac and Federal Way approved ballot measures to incorporate; and

WHEREAS, In May of 1989 a primary election was held to narrow the field of many diverse and well-qualified candidates for the Sea-Tac and Federal Way City Councils; and

WHEREAS, In September of 1989 the voters of Sea-Tac and Federal Way elected their fellow citizens to serve as the first City Council members of the new cities; and

WHEREAS, The new City Councils of these new cities have already begun the formidable responsibility of building a new city government; and

WHEREAS, A great number of the 22,000 citizens of the new City of Sea-Tac and the 58,000 citizens of the new City of Federal Way are already actively participating in the council process; and

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the new cities of Sea-Tac and Federal Way as they incorporate into cityhood; and

BE IT FURTHER RESOLVED, That the House of Representatives join the new cities in celebrating their incorporation and wish them the best in the difficult but rewarding struggles that lie ahead as they continue their work toward a complete city government; and

BE IT FURTHER RESOLVED, That the House of Representatives is dedicated to a full partnership with the new cities of Federal Way and Sea-Tac to assist them in their efforts to serve the citizens of the respective cities; and

BE IT FINALLY RESOLVED, That a copy of this Resolution be transmitted to the City of Sea-Tac and to the City of Federal Way by the Chief Clerk of the House of Representatives.

Ms. Hine moved adoption of the resolution. Representatives Hine, Brough, Schoon, Todd, Haugen and Basich spoke in favor of the resolution.

On motion of Mr. Heavey, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 90-4759 was adopted.

MOTION

On motion of Mr. Ebersole, Substitute Senate Bill No. 5554 was referred from Committee on Appropriations to Committee on Rules.

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

POINT OF PERSONAL PRIVILEGE

Mr. Ballard: Mr. Speaker, ladies and gentlemen of the House, I wanted to let you know that we just received a call from St. Peter Hospital. Representative Chandler died a few minutes ago. They did read the resolution while he could still hear it. I wanted to share that with you.

MOMENT OF SILENCE

At the request of the Speaker (Mr. Wang presiding), members of the House of Representatives stood in silence in memory of Representative Glyn Chandler.

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:30 a.m., Thursday, March 1, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Thursday, March 1, 1990

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Day, Hankins and K. Wilson. On motion of Ms. Cole, Representative K. Wilson was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Jason Miller and Tara Andes. Prayer was offered by Pastor Robert Christensen, Minister of the Olympia Church of God.

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

MESSAGE FROM THE SENATE

February 28, 1990

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 6733,
SUBSTITUTE SENATE BILL NO. 6901,
ENGROSSED HOUSE BILL NO. 2331,
ENGROSSED HOUSE BILL NO. 2441,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTIONS AND FIRST READING

SSB 6191 by Committee on Health & Long-Term Care (originally sponsored by Senators West, Kreidler, Johnson, Anderson, Gaspard, Niemi, McMullen, Murray, Wojahn, Conner, Patrick, Stratton and Smith)

Establishing the Washington state trauma care system.

Held on First Reading from 2/28/90.

2SSB 6733 by Committee on Ways & Means (originally sponsored by Senators Bailey, Rinehart, Anderson, Murray, Lee, Gaspard, Melcalf, Craswell, Bender, Benitz, Nelson, Johnson, Thorsness, Patrick, Rasmussen, Sellar, Smith, Warnke, Vognild, Smitherman, DeJarnatt, Madsen, Conner, Wojahn, Talmadge, Bauer, Williams, Kreidler, von Reichbauer, Fleming, Barr and Sutherland)

Studying enrollment options.

SSB 6901 by Committee on Higher Education (originally sponsored by Senators Saling and Bailey)

Reviewing the Washington Institute for Applied Technology.

Referred to Committee on Higher Education.

The Speaker (Mr. O'Brien presiding) referred Substitute Senate Bill No. 6901 listed on today's introduction sheet under the fourth order of business to the committee so designated.

REPORTS OF STANDING COMMITTEES

February 28, 1990

HB 2504 Prime Sponsor, Representative H. Sommers: Adopting the supplemental capital budget. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Beck, Bowman, Fraser, Heavey, Jacobsen, Peery, Rector, Wang and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Braddock.

Voting nay: Representatives Betrozoff and Braddock.

Absent: Representative Rasmussen, Vice Chair.

Passed to Committee on Rules for second reading.

February 28, 1990

HB 2964 Prime Sponsor, Representative Schoon: Authorizing bonds for capital facilities. Reported by Committee on Capital Facilities & Financing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schoon, Ranking Republican Member; Betrozoff, Fraser, Heavey, Jacobsen, Peery, Rector, Wang and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Beck and Bowman.

Absent: Representative Rasmussen, Vice Chair.

Passed to Committee on Rules for second reading.

February 28, 1990

2SSB 6291 Prime Sponsor, Committee on Ways & Means: Regulating purple looestrife. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendment:

18 On page 2, beginning on line 16 after "purposes," strike all material through "met." on line

On page 2, line 23, after "Sec. 6." strike the remainder of the section and insert "The sale or use of viable purple looestrife seed or plant material is prohibited. Violators of this section are subject to a civil fine to be imposed by the department of agriculture in conformance to chapter 35.04 RCW. The fine shall not exceed one hundred dollars for each violation. For purposes of imposition of the fine, each day seeds or plant material are offered for sale is a separate violation."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Republican Member; Baugher, Doty, Grant, Jesernig, Kirby and McLean.

Absent: Representatives Chandler, Rasmussen and Youngsman.

Referred to Committee on Appropriations.

The Speaker (Mr. O'Brien presiding) referred the bills listed on today's committee reports under the fifth order of business to the committees so designated.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

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

MOTION

Mr. Ebersole moved that the House consider the following bills on the second reading calendar in the following order: Substitute Senate Bill No. 6626, Engrossed Substitute Senate Bill No. 6771, Engrossed Substitute Senate Bill No. 6868, Engrossed Senate Bill No. 5169, Senate Bill No. 5431, Senate Bill No. 5593, Second Substitute

Senate Bill No. 5845, Second Substitute Senate Bill No. 5996 and Substitute Senate Bill No. 6167. The motion was carried.

MOTION

On motion of Ms. Cole, Representative Day was excused.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 90-4761, by Representatives Smith, Prince, O'Brien, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kirby, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, Padden, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, D. Sommers, H. Sommers, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, The Honorable Glyn Chandler was a dedicated and true public servant who forthrightly addressed Washington's problems; and

WHEREAS, He represented his constituents with verve in his own matchless style; and

WHEREAS, Glyn was well liked and respected by his family, friends, constituents and the members of the Legislature; and

WHEREAS, Glyn possessed, and daily demonstrated, the qualities of steadfastness, loyalty, fairness, honesty and Christian morality; and

WHEREAS, He was devoted to his wife from the day their romance blossomed in elementary school through a marriage of forty-four years; and

WHEREAS, Glyn and Fran worked together, played together, attended church together, served their community together, and together raised five children, Gary, Dave, Bob, Greg and Debbie; and

WHEREAS, He was a popular and concerned member of the Moses Lake School Board and President of the PTSA; and

WHEREAS, Glyn was serving his fourth term in the Washington State House of Representatives where he was active on the Health Care, Agriculture, Financial Institutions & Insurance and State Government Committees; and

WHEREAS, He championed the cause of free enterprise, ever seeking ways to enhance government services through privatization; and

WHEREAS, Glyn championed English as Washington State's official language so that everyone would speak the same language and have an equal opportunity in the marketplace; and

WHEREAS, Glyn introduced to the 1990 Legislature his final dream for Washington State to establish an international wayport at Moses Lake with high speed transport from there to other areas of the state;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of Washington State, That the Chandler family receive our sympathy and condolences in their time of sorrow and know that he was appreciated by his co-legislators and was well regarded as a man who courageously accepted his responsibilities; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Fran Chandler and to each of their children.

Mr. Smith moved adoption of the resolution and spoke in favor of it.

On motion of Mr. May, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

Representatives Brough, Hine, Silver, Hargrove, Gallagher, Padden, Ballard, Ebersole, Dellwo, Rayburn, Kremen, Brooks, Moyer, Wolfe, Prince, Van Luven, Nealey, D. Sommers, Winsley, Wood and Mr. Speaker spoke in favor of the resolution.

MOTION

Mr. Padden moved that all remarks in memory of Representative Glyn Chandler be spread upon the Journal. The motion was carried.

REMARKS BY REPRESENTATIVE SMITH

Mr. Smith: Thank you, Mr. Speaker. I have to say that this has been hard on me. This morning I have had calls from all the different newspapers and television stations, and I have talked to each one of them individually. It becomes more difficult each time.

Glyn and I worked as partners here in the House for eight years. When it came to issues for our 13th District, we always discussed them and made an agreement as to what would be best for the district. Glyn was a dedicated family man. He was very religious. He was also very firm in his beliefs and, as we said yesterday, his commitment to his dreams was very important to him.

It was very important to me yesterday that we passed the resolution which will continue his last dream. I haven't been involved with Glyn's dream that much, because I felt it was my responsibility to give him assurance that it was his dream and that I would be a part of it only in backing him in what he felt was important. The importance was that this would provide a link between eastern and western Washington. And I think that link will never be broken again because of his dedication. Most of Glyn's time was spent on it for the last year and a half. He was going to make sure his dream would come true. It was a very difficult time for him--trying to introduce bills, the failure of that, talking to the Governor, going to the Transportation Commission, and making talks throughout the state in the last few weeks. He was dedicated to the point that, I felt, it was injurious to his health; however, that was his choice and I think now that he wanted to do it. So, when the time came that the cold turned into pneumonia, I think it was still his dream.

I understand from my wife, who was there yesterday, that when the resolution was taken to him, he understood and was appreciative of it. I think we'll have to say that, when he reached heaven, he could say to the good Lord, "I've done what I was told to do." We'll remember Glyn that way. Thank you very much.

REMARKS BY REPRESENTATIVE BROUGH

Ms. Brough: Thank you, Mr. Speaker. I rise because I feel very deeply that we have all lost a good friend. Glyn and I were both elected in 1982 and, during the first two years that we served in the legislature, we sat side-by-side in the very back row. If you recall the sessions of 1983 and 1984, there were long nights, all-night sessions and long times that we sat on the floor and debated the issues. Times were hostile and intense. Sometimes we were victorious and sometimes we lost. But, during that two-year period, I came to know Glyn Chandler well. I have a very deep respect for him. I felt his friendship very dear, as we served in this Legislature.

Another thing I learned about Glyn Chandler was how closely intertwined his life was with Fran's. We share your loss. We have all lost a friend. We understand the family has lost someone very dear and very important. We join you in grief along with the people of this state. We have all lost someone who was important to us.

REMARKS BY REPRESENTATIVE HINE

Ms. Hine: Thank you, Mr. Speaker. The members of the House of Representatives are a tight fraternity. We may wrangle among ourselves and have differences of opinion and different party affiliations, but we are one. We are very proud of the role we serve and we are very close to each other. We are standing here today at a very sad moment, when one of our very own--one of the members of that inner circle--has gone on to bigger and better things. In a way that is so sad for all of us. Members come and members go. Sometimes it is their will and sometimes it is the voters' will. But when it is God's will, I think it is even harder to understand.

As we reflect today and as we share with the family, we recognize Mrs. Chandler as part of this family, having spent many years with us. It behooves us to

pause for a moment and recognize that we have lost a dear friend, a good representative, but most of all, a very dear member of our very own exclusive club.

REMARKS BY REPRESENTATIVE SILVER

Ms. Silver: Thank you, Mr. Speaker. I can't help but feel that Glyn is right here with us. He's got that grin on his face and is watching to see what we are doing. And, if we don't do this right, we're probably going to hear about it.

Remember, it was just a short week ago that Glyn gave us a rousing speech. He was excited; he was feeling really happy. I know Fran was concerned about his being here and she thought that she might pack up and take him home. I asked her, "Fran, is he happy here?" She said, "Yes. This is where he wants to be." We all knew he wasn't well, that he was very ill. We all knew that and watched him become more and more ill every day. But Glyn was happy here. He was happy with us. And Fran kept him here with his friends.

We're going to miss him so much. But, you know, he's going to be with us and we're going to hear those speeches coming from Glyn. He's going to keep us on the right track. And we're going to get that track for him. It may take a while, but we're going to get that track for him. We're going to miss him, Fran. We're going to miss you, too, so stick around a little bit. Come visit us.

REMARKS BY REPRESENTATIVE HARGROVE

Mr. Hargrove: Thank you, Mr. Speaker. I didn't know Glyn as well as some of the rest of you did. I do know that it is a sad time for us, who are left behind, when we lose somebody who has done so much for the state and for his district. I will let you know that anybody, who has a secure relationship with the Lord Jesus Christ, is in a far better place now. He got a promotion.

REMARKS BY REPRESENTATIVE GALLAGHER

Mr. Gallagher: Thank you, Mr. Speaker. I was very close to Glyn when he first came down here. I wrote the original city limits for Moses Lake when it was incorporated in 1938, and Moses Lake was important to me all the way through. I put the water system in there; I worked at the Moses Lake Airfield. When Glyn was elected, I made it a point to get acquainted with him. I am going to miss him, too.

REMARKS BY REPRESENTATIVE PADDEN

Mr. Padden: Thank you, Mr. Speaker. I think we all know Glyn as a man who was true to his principles, true to his family, to his country, to his state and, certainly, to God. He was a fighter. He believed in certain things, and he was willing to fight for them, always in an honorable way and always in a most optimistic way. He had a great spirit about him, a great spirit of life. I feel that it was a privilege and honor for all of us to have served with him. All our condolences go out to the family. We know that he now is in a place in which, hopefully, someday we all will be.

REMARKS BY REPRESENTATIVE BALLARD

Mr. Ballard: Thank you, Mr. Speaker and ladies and gentlemen. It has been suggested that at times we do a lot of talking here on the floor--sometimes to convince people what we believe or how we live our lives. It has also been suggested, by a book that has been around a long time, that the mark of the individual is that their life is an open book. It is open for everybody to read. Glyn Chandler's life was an open book. It was a good book. It was a book that we are all proud of, and it is book that his family can be proud of for a long, long time.

REMARKS BY REPRESENTATIVE EBERSOLE

Mr. Ebersole: Thank you, Mr. Speaker. I'm going to miss Glyn Chandler. He was a fun person to be around and, when you think about it, that's quite a compliment to give somebody. He was enjoyable to spend time with. I remember when, on the Education Committee, we would take things seriously and try to make them more mysterious than they were, Glyn would cut right to the heart of the matter and ask a question. We'd all break out laughing.

Glyn and I had something else in common--we both started in the South. Glyn carried a little bit more of the South with him than I do at this time, but I always

enjoyed hearing that accent in Glyn's voice because it reminded me of my roots also.

It also reminded me of what a marvelous institution this place is--how a city boy from South Tacoma can become friends with a farmer from Moses Lake. We have those opportunities, as we serve in the legislature, to form friendships and bonds that would not have been possible if we weren't part of this marvelous institution. We all have a chance to share in democracy in a daily and very personal way, and I think only those of us who have served in this body can understand that.

As I think of Glyn, I think of those times that we had together. I think of the marvelous institution that allows us to form those kinds of friendships--across party lines, across the mountains, across philosophical barriers. Glyn, we're going to miss you.

REMARKS BY REPRESENTATIVE DELLWO

Mr. Dellwo: Thank you, Mr. Speaker. Members of Glyn's family: We came in the same class. There was a very large class when Glyn and I came, and we all grew at different paces. Glyn was probably the one who grew the greatest and the fastest. You could see it mostly in the committee of which I am the Chair, the Financial Institutions and Insurance Committee. I had in Glyn, as the most senior member of the minority party, a man with tremendous knowledge in the area of banking and insurance, and I drew upon that regularly. Glyn brought to the committee not just his intelligence, but also his willingness to work with the committee, not in a negative manner, but in a very constructive way. When we came out with legislation, it was legislation that was bipartisan and that was worked out very well by the members of the committee. Glyn was very much a part of that. We are going to miss him very much. He was a wonderful legislator, a wonderful man and a good friend.

REMARKS BY REPRESENTATIVE RAYBURN

Ms. Rayburn: Thank you, Mr. Speaker. Fran and your family: I just want to express to you our heartfelt sympathy and to express to you my observations of the importance of working with Glyn on the Agriculture Committee--his diligence and his expertise there. There were many times when we had a lot of serious talks and there were a lot of times when we had some really humorous talks concerning agriculture needs and things that were happening in the legislature. He was a very diligent legislator. We are all going to miss him extremely. I just want to tell you that his knowledge, his expertise and his devotion to the agriculture industry were outstanding. I want you to know that we will miss him on that committee. I want you to know that the committee expresses its sympathy to you and your family.

REMARKS BY REPRESENTATIVE KREMEN

Mr. Kremen: Thank you, Mr. Speaker. Ladies and gentlemen of the House and members of the Chandler family: I have had the pleasure and the privilege of working with Glyn on the Agriculture Committee for my entire tenure here in the legislature. You know, we are all going to miss him, but I think those who are going to miss him the most are the common folk of Washington State. He was a true advocate of common people, and I think that is what I remember him most for.

REMARKS BY REPRESENTATIVE BROOKS

Mr. Brooks: Thank you, Mr. Speaker. I just want to leave one word of my strong feelings about Glyn and what a wonderful person he was. He had courage far above anything most of us could possibly reach for. As a physician, I watched him through his illness. I tried to help as I could, and I couldn't get over his courage and his willingness to keep at it. He had definite goals for this state, and he pursued them to his own disadvantage, but to our advantage and to the advantage of the citizens of this state. I shall always remember him with great respect and will never forget his courage.

REMARKS BY REPRESENTATIVE MOYER

Mr. Moyer: Thank you, Mr. Speaker. I would like to build just a little bit upon the previous speaker's comments. There is a saying that I repeated yesterday from Andrew Jackson that "one man with courage is a majority." Glyn had this idea that you could build a train, going from Moses Lake to Bellevue, that would travel three hundred miles an hour. It was his idea and he stood alone and he sold that idea. He went to the Senate, and one man with courage made that idea work. He came back to the House, and one man with courage made that idea work. I can hardly wait for the day when that train goes roaring down the Glyn Chandler Expressway, and we know that one man with courage made it work.

REMARKS BY REPRESENTATIVE WOLFE

Mr. Wolfe: Thank you, Mr. Speaker. As a new member of the House, I didn't have a chance to know Glyn as well as some of you have. I only began to know him and to appreciate him. All of us here bring certain levels of knowledge and things to this august organization, but Glyn brought something that few others bring. And that was wisdom. I do appreciate the wisdom that Glyn brought to us, and I am going to miss it as I continue to grow in my legislative experience.

Fran, we do hope you come back. We enjoy you very much.

REMARKS BY REPRESENTATIVE PRINCE

Mr. Prince: Thank you, Mr. Speaker. Fran, words cannot replace Glyn, and it is very difficult to explain how we felt about him. Glyn meant two things to me that, as long as I live, I shall always remember. One was his strength during all the suffering he went through in the past year and a half. I never once heard him complain. I never once saw anything but a smile. If you hadn't known what he was going through, you wouldn't have guessed it. That is a trait that very few of us have and, in itself, is the most admirable trait we could ever have. The second is the example of your relationship in marriage and your family--they are examples to us all. I want you to know I'll always remember him.

REMARKS BY REPRESENTATIVE VAN LUVEN

Mr. Van Loven: Thank you, Mr. Speaker. When I first came to the legislature several years ago, I was a lot younger than I am now. I thought Glyn was an old guy then. It was interesting that an old guy like that and a young guy like me could become friends and buddies. Even when I was out of the legislature, he remained my friend. We talk about a fraternity here on the floor--we have our own little group down here in this corner. We take care of each other. Now we are only going to be getting three orange juices and three coffees, not four any more. I just want to say that we've all lost a friend, but I've lost a buddy.

REMARKS BY REPRESENTATIVE NEALEY

Mr. Nealey: Thank you, Mr. Speaker. Fran and members of the family: I want to tell you that, since Glyn and I came into this organization in the same class, there was a tie, a friendliness, a binding that I just can't express but that meant so much. We served together on the Agriculture Committee for all these years. We shared our dreams. We were really pretty close.

To you, the family and the youngsters there--the children that I have met and had a chance to know a little bit--I just want to tell you how much we appreciate what he stood for and what you as a family stand for. You are up there at a high level. I appreciate you, and I want you to know that. Thank you.

REMARKS BY REPRESENTATIVE D. SOMMERS

Mr. D. Sommers: Thank you, Mr. Speaker. Ladies and gentlemen of the House and members of the Chandler family: Glyn really was a unique individual. He had many special gifts. He had the gift of insight and wisdom. He understood the process very well. There were times when I hadn't made up my mind and Glyn really had. He understood a lot of bills. I remember one time in the caucus someone asked him what he thought of a bill, and he really didn't have a very high regard for it. He said, "You know, that bill is a dog, and that dog won't hunt." That was Glyn's humor. It is also interesting that Glyn was a champion of English first,

because he spoke a different brand of English than any of us. He was a very unique individual. I recall times in the caucus when he would stand and give us the viewpoint of the farmers on various issues. He did add a lot to the caucus that way. He also was a man of courage, as has been mentioned. Just several days before the Lord called him home for a greater challenge, he was on the floor voting, doing that which he felt was his responsibility. We are thankful that the family is here. Our prayers are with you. May the Lord give you strength.

REMARKS BY REPRESENTATIVE WINSLEY

Ms. Winsley: Thank you, Mr. Speaker. Ladies and gentlemen of the House and members of the family: Last September my husband went with me on a Washington agriculture tour. When we arrived in Yakima, we were early and had the opportunity to have coffee with Glyn and Fran. Last night on the telephone, when I was telling my husband about Glyn's death, he was trying to place him. I said, "Remember, we had coffee with him in Yakima." And he said, "Oh, that nice man with that beautiful western suit and those nice-looking cowboy boots." I thought that that was a nice way to remember someone. A nice man. He always had a lot of beautiful western suits which he sometimes wore here in the House. And the boots--those boots are going to be hard to fill, Fran.

REMARKS BY REPRESENTATIVE WOOD

Ms. Wood: Thank you, Mr. Speaker. I haven't had a chance to know Glyn and Fran as long as others here. As I have gotten to know them, I have found them to be a courageous, warm and loving couple. They have been an outstanding example to all of us. Glyn has fought the good fight and has completed the race. He may not be with us physically, but he'll always be with us in our hearts.

REMARKS BY SPEAKER KING

The Speaker: Thank you, Mr. Speaker. Thank you for giving me the opportunity to speak. I was down with the Governor and was not aware that we were adopting the memorial. The Governor's words were to tell the family how much we miss Representative Chandler. I said to him, "What do I say, Mr. Governor?" He said, "Tell them the truth. He was a very kind, decent, honest man who served his state well."

I was thrilled to be able to work with Glyn on his last project. I was thrilled, as many of you have been, that he could work on a project for which he had enormous enthusiasm. That is absolutely the way all of us want to finish life, working on a project and contributing to the state. I am very proud to have been able to serve with Glyn Chandler. I join all of you in mourning his passing.

House Floor Resolution No. 90-4761 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) presented Mrs. Fran Chandler and the Chandler children, Gary, Dave, Bob, Greg and Debbie, who were seated on the rostrum, with a copy of the resolution. The Chandler family was recognized by the members of the House of Representatives.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 12:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. Jacobsen presiding) called the House to order at 12:30 p.m.

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

INTRODUCTIONS AND FIRST READING

The Speaker (Mr. Jacobsen presiding) referred Substitute Senate Bill No. 6191 and Second Substitute Senate Bill No. 6733 listed on today's introduction sheet under the fourth order of business to Committee on Rules.

REPORT OF STANDING COMMITTEE

February 28, 1990

SSCR 8429 Prime Sponsor, Committee on Children & Family Services: Creating the Washington State Adoption Commission. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Sayan, Chair; Scott, Vice Chair; Moyer, Ranking Republican Member; Tate, Assistant Ranking Republican Member; Anderson, Brekke, Leonard and Raiter.

Absent: Representatives Hargrove, Padden and Winsley.

Passed to Committee on Rules for second reading.

The Speaker (Mr. Jacobsen presiding) referred the resolution listed on today's supplemental committee report under the fifth order of business to the committee so designated.

The Speaker (Mr. Jacobsen presiding) called on Representative Appelwick to preside.

MOTION

On motion of Ms. Miller, Representative Hankins was excused.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 6626, by Committee on Higher Education (originally sponsored by Senators Conner, Barr, Saling, Benitz and DeJarnatt)

Requiring an assessment of higher education needs of placebound students.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 50th Day, February 26, 1990.)

Mr. Grant moved adoption of the committee amendment.

POINT OF ORDER

Ms. Brough: I would challenge this amendment on scope and object and would ask for a ruling from the Chair.

MOTION

Mr. Ebersole moved that the House defer further consideration of Substitute Senate Bill No. 6626 and that the bill hold its place on the second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6771, by Committee on Energy & Utilities (originally sponsored by Senators Lee, Talmadge, Anderson, McMullen and Patrick)

Studying the placement of electric transmission lines and magnetic fields.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Energy & Utilities.

Mr. Nelson moved adoption of the committee amendment.

Ms. Hine moved adoption of the following amendment by Representatives Hine, Nelson and Hankins to the committee amendment:
On page 2, after line 32, strike section 5.

Ms. Hine spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Nelson spoke in favor of adoption of the committee amendment as amended, and Representatives Nealey and Brooks spoke against it.

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6771 as amended by the House, and the bill passed the House by the following vote: Yeas, 75; nays, 19; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betzoff, Braddock, Brekke, Brough, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Heavey, Hine, Holland, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Vekich, Walker, Wang, Wineberry, Winsley, Wolfe, Wood, Zellinsky, and Mr. Speaker - 75.

Voting nay: Representatives Baugher, Beck, Bowman, Brooks, Brumsickle, Doty, Haugen, Horn, Kirby, McLean, Moyer, Nealey, Schmidt, Silver, Smith, Sommers D, Van Luven, Wilson S, Youngsman - 19.

Excused: Representatives Day, Hankins, Wilson K - 3.

Engrossed Substitute Senate Bill No. 6771 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6868, by Committee on Children & Family Services (originally sponsored by Senators Stratton, Smith, Bailey, Vognild, Talmadge, Craswell, Owen, McMullen, Saling and West)

Modifying guardianship provisions regarding incapacitated persons.

The House resumed consideration of Engrossed Substitute Senate Bill No. 6868 on second reading. (For previous action, see Journal, 52nd Day, February 28, 1990, Afternoon Session.)

The Speaker (Mr. Appelwick presiding) stated the question before the House to be adoption of the amendment on page 1, line 11, by Representative Appelwick to the committee amendment.

With consent of the House, Representative Padden withdrew the amendment.

Mr. Padden moved adoption of the following amendments by Representative Appelwick to the committee amendment:

On line 7 of the amendment to page 35, after "line" strike "30" and insert "27"

On line 8 of the amendment to page 35, after "following" strike "subsection"

On line 9 of the amendment to page 35, strike "(4)"

On line 18 of the amendment to page 35, strike "subsection (2) of this section" and insert "this subsection"

Mr. Padden spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

The committee amendments as amended were adopted.

Mr. Padden moved adoption of the following amendments by Representative Appelwick:

On page 7, line 8, after "capital letters" strike "and" and insert ";

On page 7, line 9, after "double-spaced" insert ", and in a type size not smaller than ten-point type"

Mr. Padden spoke in favor of adoption of the amendments, and they were adopted.

Ms. Forner moved adoption of the following amendments:

On page 4, line 11, after "(5)" strike all material through "franchise" on line 14 and insert "When a court imposes a full guardianship for an incapacitated person, the person shall be considered incompetent for purposes of rationally exercising the right to vote and shall lose the right to vote, unless the court specifically finds that the person is rationally capable of exercising the franchise. Imposition of a limited guardianship for an incapacitated person may result"

in the loss of the right to vote when in the courts discretion, the court determines that the person is incompetent for purposes of rationally exercising the franchise"

On page 16, line 8, after "person;" strike "and" and insert "((and))"

On page 16, line 9, after "(v)" insert "An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made:"

(vi)"

Remember the remaining subsections consecutively and correct any internal references accordingly.

On page 16, line 12, after "guardianship" strike "." and insert "((:));"

On page 16, line 27, after "11.92.150;" insert "and"

Ms. Forner spoke in favor of adoption of the amendments, and they were adopted.

Mr. Padden moved adoption of the following amendment by Representative Appelwick:

On page 2, after line 32, insert the following:

"(e) For purposes of giving informed consent for health care pursuant to RCW 7.70.050 and 7.70.065, an 'incompetent' person is any person who is (i) incompetent by reason of mental illness, developmental disability, senility, habitual drunkenness, excessive use of drugs, or other mental incapacity, of either managing his or her property or caring for himself or herself, or both, or (ii) incapacitated as defined in (a), (b), or (d) of this subsection.

(f) For purposes of the terms 'incompetent,' 'disabled,' or 'not legally competent,' as those terms are used in the Revised Code of Washington to apply to persons incapacitated under this chapter, those terms shall be interpreted to mean 'incapacitated' persons for purposes of this chapter."

Mr. Padden spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6868 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voling yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Day, Hankins, Wilson K - 3.

Engrossed Substitute Senate Bill No. 6868 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5169, by Senators Smith and Stratton; by request of Department of Social and Health Services

Providing for revenue collection by the department of social and health services.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

Mr. Sayan moved adoption of the committee amendment.

Mr. Padden moved adoption of the following amendment by Representatives Padden and Sayan to the committee amendment:

On page 6, line 23, after "received" insert "except that in the conduct of such examinations, patient names, other than public assistance applicants or recipients, shall not be noted, copied or otherwise made available to the department"

Representatives Padden and Sayan spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Mr. Sayan yielded to question by Mr. Padden.

Mr. Padden: Representative Sayan, does this bill allow access to patients' medical records by the department?

Mr. Sayan: Representative Padden, this bill allows the department to examine medical records of public assistance patients for auditing purposes only. It also allows the department to examine a random representative sample of all medical records solely to determine providers' charges and only to the extent that they are directly associated with financial records. In order for the department to establish the usual and customary fee for a medical procedure, it must see exactly what medical procedure is associated with the charge. For example, in establishing the fee for setting a broken arm, the department needs to know whether the fracture was a simple or compound fracture. In any event, the department is legally obligated to maintain patient confidentiality.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5169 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representative Heavey - 1.

Excused: Representatives Day, Hankins, Wilson K - 3.

Engrossed Senate Bill No. 5169 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Mr. Appelwick presiding) declared the House to be at ease.
The Speaker called the House to order.

Representatives Day and K. Wilson appeared at the bar of the House.

SENATE BILL NO. 5431, by Senators Bauer, Smith, Sutherland, McDonald and Vognilid

Exempting property from the leasehold excise tax.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Morris spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5431, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery,

Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Hankins - 1.

Senate Bill No. 5431, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5593, by Senators Patterson, DeJarnatt, McMullen, Nelson, Thorsness, Barr and von Reichbauer; by request of Department of Transportation

Conforming vehicle length requirements to federal law.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5593, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Rasmussen - 1.

Excused: Representative Hankins - 1.

Senate Bill No. 5593, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5845, by Committee on Ways & Means (originally sponsored by Senators Bailey, Metcalf, DeJarnatt, Owen, Thorsness, Smitherman, Bauer and McMullen)

Increasing steelhead trout production.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 43rd Day, February 19, 1990.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Fisheries & Wildlife.

Mr. R. King moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. R. King spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5845 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Hankins - 1.

Second Substitute Senate Bill No. 5845 as amended by the House, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5996, by Committee on Energy & Utilities (originally sponsored by Senators Benitz and Hayner)

Authorizing feasibility study of waste management education.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 46th Day, February 22, 1990.)

Mr. Jacobsen moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Jacobsen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5996 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Dellwo, Rector - 2.

Excused: Representative Hankins - 1.

Second Substitute Senate Bill No. 5996 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6167, by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Rasmussen, McCaslin, Smitherman, Matson, Moore, Johnson, Warnke, Bauer and Conner; by request of Attorney General)

Regulating motor vehicle subleasing and ownership transfers.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Zellinsky spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6167, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Hankins - 1.

Substitute Senate Bill No. 6167, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6626, by Committee on Higher Education (originally sponsored by Senators Conner, Barr, Saling, Benitz and DeJarnatt)

Requiring an assessment of higher education needs of placebound students.

The House resumed consideration of Substitute Senate Bill No. 6626 on second reading. (For previous action, see today's Journal.)

The Speaker stated the question before the House to be the Point of Order by Representative Brough regarding the scope and object of the amendment by Committee on Appropriations.

SPEAKER'S RULING

The Speaker: Representative Brough, the Speaker has examined Substitute Senate Bill No. 6626 and the striking amendment by Committee on Appropriations. Substitute Senate Bill No. 6626 deals with an assessment by the Higher Education Coordinating Board of the needs of placebound students. The amendment adds new matters to the original bill, including provisions on the regulation of foreign student placement agencies. I find, therefore, Representative Brough, that your point is well taken. The amendment broadens the original scope and is outside the scope and object of the bill.

Mr. Jacobsen moved adoption of the following amendment by Representatives Jacobsen, Van Luven, Heavey, Dellwo, Rector, Miller, Walker and Anderson:

On page 1, line 6, after "study the" strike all material through "1993." on line 16 and insert "upper division baccalaureate educational needs of placebound students, and the graduate educational needs of teachers, living in areas of the state not currently served by either existing four-year institutions or branch campuses. The study shall include recommendations on how the needs should be addressed, and which institutions should be responsible for serving specific areas.

NEW SECTION, Sec. 2. The legislature finds that many individuals in the state of Washington have attended college and received an associate of arts degree, or its equivalent, but are placebound.

The legislature intends to establish an educational opportunity grant program for placebound students who have completed an associate of arts degree, or its equivalent, in an effort to increase their participation in and completion of upper-division programs.

NEW SECTION, Sec. 3. The educational opportunity grant program is hereby created as a demonstration project to serve placebound financially needy students by assisting them to obtain a baccalaureate degree at public and private institutions of higher education which have the capacity to accommodate such students within existing educational programs and facilities.

NEW SECTION, Sec. 4. (1) For the purposes of this chapter, 'placebound' means unable to relocate to complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors.

(2) To be eligible for an educational opportunity grant, applicants must be placebound residents of the state of Washington who are needy students as defined in RCW 28B.10.802(3) and who have completed the associate of arts degree or its equivalent. A placebound resident is one who may be influenced by the receipt of an enhanced student financial aid award to attend an institution that has existing unused capacity rather than attend a branch campus established pursuant to chapter 28B.45 RCW. An eligible placebound applicant is further defined as a person whose residence is located in an area served by a branch campus who, because of family or employment commitments, health concerns, monetary need, or other similar factors, would be unable to complete an upper-division course of study but for receipt of an educational opportunity grant.

NEW SECTION, Sec. 5. The higher education coordinating board shall develop and administer the educational opportunity grant program. The board shall adopt necessary rules and guidelines and develop criteria and procedures to select eligible participants in the program. Payment shall be made directly to the eligible participant periodically upon verification of enrollment and satisfactory progress towards degree completion.

NEW SECTION, Sec. 6. Grants may be used by eligible participants to attend any public or private college or university in the state of Washington that has an existing unused capacity. Grants shall not be used to attend any branch campus or educational program established under chapter 28B.45 RCW. The participant shall not be eligible for a grant if it will be used for any programs that include religious worship, exercise, or instruction or to pursue a degree in theology. Each participating student may receive up to two thousand five hundred dollars per

academic year, not to exceed the student's demonstrated financial need for the course of study.

NEW SECTION. Sec. 7. Sections 2 through 6 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

- (1) Section 12, chapter 7, Laws of 1989 1st ex. sess. and RCW 28B.80.530; and
- (2) Section 13, chapter 7, Laws of 1989 1st ex. sess. and RCW 28B.80.540."

Representatives Jacobsen and Van Luven spoke in favor of adoption of the amendment, and it was adopted.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Jacobsen, Prince, Silver and Van Luven:

On page 1, after line 10, strike all material through "1993." on line 16 and insert the following:

"Sec. 2, Section 4, chapter 273, Laws of 1971 ex. sess. as last amended by section 3, chapter 290, Laws of 1989, and by section 3, chapter 306, Laws of 1989 and RCW 28B.15.014 are each reenacted and amended to read as follows:

The following nonresidents shall be exempted from paying the nonresident tuition and fee differential:

(1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education or is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week during the term such person shall hold such appointment.

(2) Any faculty member, classified staff member or administratively exempt employee holding not less than a half time appointment at an institution who resides in the state of Washington, and the dependent children and spouse of such persons.

(3) Active-duty military personnel stationed in the state of Washington and the spouses and dependents of such military personnel.

(4) Any immigrant refugee and the spouse and dependent children of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

(5) Domestic exchange students participating in the program created under RCW 28B.15.725.

(6) Any dependent of a member of the United States congress representing the state of Washington.

(7) Any Amerasian immigrant who is financially needy and is being assisted by the bureau of refugee assistance in the department of social and health services."

Representatives Wang and Prince spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representative Jacobsen and others to the title was adopted:

On page 1, line 2 of the title, after "28B.80 RCW;" strike "and making an appropriation" and insert "adding a new chapter to Title 28B RCW; and repealing RCW 28B.80.530 and 28B.80.540"

With consent of the House, the following amendments by Representative Wang and others to the title was adopted:

On page 1, line 1 of the title, after "education;" insert "reenacting and amending RCW 28B.15.014; and"

On page 1, line 2 of the title, after "RCW" strike "; and making an appropriation"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Jones spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6626 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt,

Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Hankins - 1.

Substitute Senate Bill No. 6626, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Second Substitute Senate Bill No. 6733 on the second reading calendar. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 6733, by Committee on Ways & Means (originally sponsored by Senators Bailey, Rinehart, Anderson, Murray, Lee, Gaspard, Metcalf, Craswell, Bender, Benitz, Nelson, Johnson, Thorsness, Patrick, Rasmussen, Sellar, Smith, Warnke, Vogtild, Smitherman, DeJarnatt, Madsen, Conner, Wojahn, Talmadge, Bauer, Williams, Kreidler, von Reichbauer, Fleming, Barr and Sutherland)

Studying enrollment options.

The bill was read the second time.

Mr. Peery moved adoption of the following amendment by Representatives Peery, Betzoff, Ebersole, Holland, Walker, Jones and Vekich:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Differences in interests and learning styles of both students and teachers make it imperative that our public schools offer diverse curricula and instructional strategies. Secondary students need access to challenging programs or vocational instruction matched to their abilities and interests. Student success depends on parental involvement in education, and on students' commitment to participate in a learning community. Quality integrated and multicultural educational opportunities are necessary for all students. The programs created in this act are intended to provide increased enrollment options for students. While recognizing that greater flexibility in enrollment options will not, by itself, solve all the problems of our education system, the legislature finds that allowing and encouraging student choice among public education institutions is consistent with the deeply held American value of freedom to make the choices that shape our families' lives. In addition, since the primary source of funding for public education institutions is the state general fund, to which all taxpayers contribute, it follows that taxpayers should have access to all the educational program choices funded by their state tax dollars. Enrollment options are also a component of a broader effort to restructure education that has already demonstrated the benefits of encouraging local efforts to create distinctive and innovative schools. The learning by choice and running start programs further expand this state's efforts to put more power in the hands of parents, students, and local educators to enable Washington state to meet the challenge of preparing all students for productive lives in the twenty-first century.

PART I

LEARNING BY CHOICE PROGRAM

NEW SECTION. Sec. 101. LEARNING BY CHOICE PROGRAM. The learning by choice program is hereby created. Beginning with the 1992-93 school year, parents and guardians may choose to have their children attend a school within a nonresident public school district, subject only to sections 103 through 111 and 113 of this act and other interdistrict enrollment options provided by law. State funding for the student shall be paid to the school district the student actually attends. School districts may voluntarily choose to limit nonresident enrollment in any or all of their schools, but except as provided in section 107 of this act, no district may refuse students permission to leave the school district in which they reside in order to transfer to another school district.

NEW SECTION. Sec. 102. INFORMATION BOOKLET. The superintendent of public instruction shall annually prepare an information booklet outlining parents' and guardians' options for enrollment of their children in any school or appropriate special education program in a nonresident public school district within the state. Beginning in 1991, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall distribute the information booklet to the parents and guardians of all students. The booklet shall include:

- (1) Information about the learning by choice program;
- (2) A state uniform transfer application form for transfer to a school or appropriate special education program in a nonresident school district;
- (3) An outline of the procedure and deadlines for enrolling a student in a school or appropriate special education program within a nonresident school district;
- (4) Information about the running start program;

(5) Information about other public school transfer policies; and

(6) The telephone number of an enrollment options information hotline which shall be available toll-free to residents of the state.

NEW SECTION. Sec. 103. INTERDISTRICT TRANSFER PROCEDURES. (1) Each school district board of directors shall annually determine the number of transfer slots available for nonresident students in each of its schools and special education programs, and shall make this information available to the public.

(2) All school districts accepting applications for admission shall randomly select students from the total number of applicants to fill the number of transfer slots identified by the school board for the school or special education program. Selection shall be by lottery only, with each application given a number and the numbers selected by random drawing. The random drawing shall establish the order of selection of all those who applied, so that if some of those who are initially selected do not enroll, alternates may be notified, in the order their numbers were drawn, that space has become available for them.

(3) If an application is rejected, the school district rejecting the application shall state the reason for rejection in the notification. A school district may reject a student application only because:

(a) It was not selected high enough in a random lottery selection process;

(b) There were no designated transfer slots for the school or appropriate special education program; or

(c) The student's enrollment would adversely affect the district's adopted desegregation plan.

(4) The school district shall notify parents or guardians of the acceptance or rejection of their children according to the timelines and procedures developed by the superintendent of public instruction.

(5) A resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring under the enrollment options program. No parent or guardian may be forced to attend such an interview or to complete the questionnaire.

NEW SECTION. Sec. 104. SUPERINTENDENT'S DUTIES. By December 15, 1990, the superintendent of public instruction shall establish a timeline and procedures for the learning by choice program that will allow the greatest possible opportunity for students to select nonresident schools, while assuring adequate time for schools to plan, assign or transfer staff, and prepare for student movement. The timeline and procedures shall be established to assure that a school district has adequate time to fulfill its duties under RCW 28A.67.070, 28A.58.450, and 28A.65.425. The timeline and procedures shall include, but not be limited to: Dates and procedures for application, acceptance or rejection by the school district and parent or guardian, and written notification of parents, guardians, and the resident school district.

NEW SECTION. Sec. 105. STUDENT TRANSPORTATION. (1) It is the obligation of the parent or guardian of a student enrolled in a nonresident school district to transport his or her child to the nearest school bus stop of the nonresident school to which the child has transferred. The obligation to transport the child to the nearest bus stop of the nonresident school shall continue for the duration of the child's enrollment in the nonresident school district.

(2) Parents or guardians of students who are eligible to receive free and reduced priced breakfasts or lunches shall receive payment on a per-mile basis for the parent's or guardian's transportation of the student from the student's home to the nearest school bus stop of the nonresident school to which the student has transferred. Transportation payments from money provided by the state for this purpose, shall be administered by the school district in which the student is enrolled.

(3) The superintendent of public instruction shall establish rules for transportation payments to eligible parents or guardians for the cost of mileage as provided in subsection (2) of this section.

NEW SECTION. Sec. 106. ELIGIBILITY FOR EXTRACURRICULAR ACTIVITIES. Eligibility of transfer students in the learning by choice program for participation in extracurricular activities shall be subject to rules adopted by the Washington interscholastic athletic association as authorized by the state board of education.

NEW SECTION. Sec. 107. DISTRICTS WITH DESEGREGATION PLANS. (1) The board of directors of any school district implementing a desegregation plan shall adopt a policy on interdistrict student transfers under sections 101 through 113 of this act. Under the policy, the district may not deny a student's application to transfer to another district if the transfer would lessen the difference between the minority percentages of the two districts.

(2) The parent or guardian of a student who is a resident of a district that has an adopted or court-ordered desegregation plan shall submit an application for transfer both to the resident district and the nonresident school district. If the resident district denies the application of its resident student for release from the district, the resident district shall notify the parent or guardian and nonresident district of its denial within fifteen days of receipt of the application. The decision of the resident district shall be final.

NEW SECTION. Sec. 108. Parents of students who are home schooled under the provisions of chapter 28A.27 RCW and who do not reside in a district with a desegregation plan may apply

for admission of their child to a nonresident district in accordance with sections 101 through 111 and 113 of this act for part-time enrollment in a nonresident school district.

NEW SECTION. Sec. 109. SPECIAL EDUCATION. If a child requiring special education services under chapter 28A.13 RCW applies for admission to an appropriate special education program in a nonresident school district in which the student is not currently enrolled, the application shall be granted only if the receiving school district has a special education instructional program appropriate to meet the student's educational needs and the receiving district has identified that space is available in the specific special education program. Selection of students for each program shall be done in accordance with section 103 of this act.

NEW SECTION. Sec. 110. LEVY PROVISIONS. (1) School districts may establish annual transfer fees for nonresident students enrolled pursuant to the learning by choice program if the levy rate per thousand dollars adjusted assessed valuation for the serving district is higher than the levy rate for the district in which the student resides. These fees, if applied, shall be applied uniformly for all such nonresident students except as provided in this section. The fee amount charged for any school year by a school district may not exceed three hundred dollars, annually adjusted by the consumer price index, or an amount calculated as follows, whichever is less: (a) The district's levy per student to be collected in the first calendar year of that school year multiplied by (b) the difference between the two districts' levy rates, divided by the levy rate of the serving school district.

(2) School districts shall not charge fees under this section for students who are eligible to receive free or reduced-priced breakfasts or lunches. The state shall pay any annual transfer fees for these students.

(3) For purposes of this section:

(a) Assessed valuations shall be adjusted to one hundred percent using the county indicated ratio established in RCW 84.48.075;

(b) 'Levy per student' means the district's certified general fund maintenance and operations levy for the full calendar year, divided by the district's full-time-equivalent October student enrollment count for the year prior to the school year for which the tuition is charged.

NEW SECTION. Sec. 111. CONTINUING ENROLLMENT. Once a student is enrolled in a nonresident school district, the student shall be treated as a resident student by the nonresident school district for all purposes, except as set forth in sections 105 and 110 of this act, and may continue to attend that school district without further transfer applications.

NEW SECTION. Sec. 112. INTRADISTRICT TRANSFER POLICIES. Each school district in the state shall adopt a policy allowing intradistrict enrollment options no later than June 30, 1991. Each district shall establish its own policy on how the intradistrict enrollment options will be implemented and shall distribute an information booklet on intradistrict enrollment options. The booklet shall be given to the parent or guardian of each newly enrolled student at the time of enrollment and shall be distributed annually to all parents or guardians at the same time as the distribution of the information booklet required in section 102 of this act.

NEW SECTION. Sec. 113. EFFECT ON EXISTING TRANSFER PROGRAMS. Nothing in sections 101 through 111 of this act affects or reduces transfers under RCW 28A.58.217, 28A.58.225 through 28A.58.245, and 28A.120.092.

NEW SECTION. Sec. 114. STUDY AND RECOMMENDATIONS. (1) An interim task force is hereby created to study the need to:

(a) Provide programs that will foster the development of program diversity and cooperative programs between districts including, but not limited to, theme curriculum schools;

(b) Provide relief to districts that experience significant declines in enrollment through the use of enrollment decline factors;

(c) Modify the transfer fee formula in section 110 of this act;

(d) Provide relief to certificated and classified staff who may be displaced by fluctuations in enrollment. The use of preferential transfer rights should be considered; and

(e) Provide a transportation subsidy to low-income parents for districts that establish a policy allowing intradistrict transfers.

(2) Membership of the task force shall include two members of the house of representatives selected by the speaker of the house of representatives, two members of the state senate selected by the president of the senate, and one representative each from the office of the superintendent of public instruction selected by the superintendent of public instruction, the state board of education selected by the state board of education, and the governor's office selected by the governor.

(3) Based on the study of the issues in subsection (1) of this section, the task force shall make specific recommendations to the education committees of the house of representatives and the senate no later than December 15, 1990.

(4) The task force shall expire December 15, 1990.

Sec. 115. Section 28A.58.230, chapter 223, Laws of 1969 ex. sess. as last amended by section 37, chapter 3, Laws of 1983 and RCW 28A.58.230 are each amended to read as follows:

Every school district shall admit on a tuition free basis all persons of school age who reside within this state, and do not reside within another school district carrying the grades for which

they are eligible to enroll: PROVIDED, That nothing in this section shall be construed as affecting RCW 28A.58.240 ((or)), 28A.58.245, section 101, or 109 through 111 and 113 of this 1990 act.

PART II

RUNNING START PROGRAM

NEW SECTION. Sec. 201. RUNNING START PROGRAM. (1) The legislature hereby creates the running start program to allow high school juniors and seniors the opportunity to attend vocational technical institutes, community colleges, and public colleges and universities located in Washington state either on a full-time or part-time basis while concurrently enrolled in high school.

(2) The following criteria shall be used as design criteria in the implementation plan for this postsecondary options program:

(a) No student may be charged tuition or other fees for participation in the program. State basic education funds shall follow the student, in proportion to the number of course hours taken at the high school and other institution, to cover the costs of students' tuition, books, fees, and supplies at the vocational technical institute, community college, or public college or university.

(b) An adequate system for annually informing parents, guardians, and all high school students of opportunities available through the program shall be established.

(c) Student qualifications for enrolling in vocational technical institutes shall be established by the state board of education and for community colleges and public colleges and universities shall be established by the higher education coordinating board.

(d) The plan shall provide for initially serving up to five thousand students per year, and these students shall not be counted towards existing higher education institution enrollment limits.

(e) An evaluation system shall be developed to determine how the program is working for the institutions and the students, and how much change in the number of students participating in the running start program is recommended each school year.

(f) No district may refuse students the permission to leave the school or school district, part time or full time, in order to participate in the program.

(g) Credits earned by students at these institutions shall apply to both high school graduation requirements and to graduation requirements from the vocational technical institute, community college, or public college or university.

NEW SECTION. Sec. 202. IMPLEMENTATION PLAN—TASK FORCE—REPORT TO LEGISLATURE. The governor shall appoint a task force including representatives of the higher education coordinating board, the institutions of higher education, vocational technical institutes, the state board for community college education, the superintendent of public instruction, the state board of education, and other educators. This task force shall design an implementation plan pursuant to section 201 of this act for the program and submit it to the state board of education, the higher education coordinating board, the legislature, and the governor by December 1, 1990. The legislature shall consider the task force implementation plan during the 1991 legislative session.

NEW SECTION. Sec. 203. BEGINNING ENROLLMENT. The program shall allow high school juniors and seniors to enroll in vocational technical institutes, community colleges, and public colleges and universities no later than the 1992-93 school year.

NEW SECTION. Sec. 204. RULES. The higher education coordinating board and the state board of education shall adopt rules to implement the program.

PART III

MISCELLANEOUS

NEW SECTION. Sec. 301. STUDY—REPORT TO LEGISLATURE. (1) The superintendent of public instruction shall conduct a study of the learning by choice and running start programs that includes:

(a) The number of students participating in the learning by choice and running start programs, and the number of interdistrict enrollments that are accomplished by district agreements under RCW 28A.58.217, 28A.58.225 through 28A.58.240, 28A.58.245, and 28A.120.092;

(b) The reasons voluntarily given by parents or guardians for requesting transfers under the programs; and

(c) A representative sample survey of parents and guardians, students, teachers, principals, superintendents, and school board members on the effects of the programs.

(2) The report of the results of the initial study shall be submitted to the education committees of the house of representatives and senate and to the governor no later than December 15, 1993.

NEW SECTION. Sec. 302. Subheadings and section headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 303. Sections 101 through 111, 113, 202, and 204 of this act are each added to Title 28A RCW."

POINT OF ORDER

Ms. Cole: I rise to request a ruling on scope and object.

SPEAKER'S RULING

The Speaker: Representative Cole, the Speaker has examined Second Substitute Senate Bill No. 6733 and the floor amendment offered by Representative Peery and others. Second Substitute Senate Bill No. 6733 deals with the issue of public school enrollment options. It requires the Superintendent of Public Instruction to study enrollment options and to make a recommendation to the Governor and the Legislature on whether or not an enrollment options program should be implemented. Representative Peery's amendment would establish an enrollment options program to be implemented this biennium. The Speaker finds that the amendment does deal with the basic subject of the Senate bill--enrollment options--and is, therefore, within the scope and object of the bill. Your point, Representative Cole, is not well taken.

Representatives Peery, Betrozoff, Dorn and K. Wilson spoke in favor of adoption of the amendment, and Representatives Zellinsky, Schoon, Basich and Brumsickle spoke against it. Mr. Peery again spoke in favor of the amendment.

The amendment was adopted.

Mr. Peery moved adoption of the following amendment by Representatives Peery, Betrozoff, Ebersole, Holland, Walker, Jones and Vekich to the title:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "school improvement; amending RCW 28A.58.230; adding new sections to Title 28A RCW; and creating new sections."

POINT OF ORDER

Mr. Padden: Thank you, Mr. Speaker. Mr. Speaker, I raise the Point of Order as to the way the title amendment is amended here. Is it in compliance with House Rule 12(E)?

SPEAKER'S RULING

The Speaker: Thank you, Representative Padden, for raising that Point of Order because it raises an unusual Point of Order in interesting circumstances here. Members of the House will notice that, normally, title amendments are adopted by the consent of the House, because of a long-standing practice in this House and previously--until the last couple of years--in the Senate, that we don't broaden the scope of bills or narrow the scope of bills by amending the title. Our title amendments are only to the code references and literally of a technical nature. So we adopt them, sometimes to the chagrin of Mr. Speaker O'Brien, simply by the consent of the House, without a formal motion, because we just don't broaden or narrow the scope with title amendments here. We think that is a practice that makes it very confusing for the public to follow legislation. They should be able to rely at least on the title of a bill.

I want to do this carefully, so I am going to read a ruling that we have. As I said, it is unusual to have a title amendment offered in this House that amends the subject matter description of a bill title. Normally, the Speaker does not look favorably upon this type of title amendment, because a change in the title usually indicates a violation of House Rule 12(E) which prohibits any amendment that changes the scope and object of a bill. But in this case we have a unique circumstance.

In this case Representative Peery has offered a title amendment that does change the scope of the bill. In making this ruling, the Speaker would explain to the House that the bill before us is a substitute bill. Consistent with prior rulings by the Speaker, specifically referring to the House Journal of March 19, 1987, the question of scope and object on a substitute bill must relate back to the bill as originally introduced.

In examining the title of Senate Bill 6733, which is "An act relating to school improvement"--let me emphasize that we have gone back to the original title of the original Senate Bill which is "An act relating to school improvement"--and the proposed title amendment before us, the Speaker finds that the proposed amendment, rather than changing the title of the original Senate Bill, simply restores the

title of the original Senate Bill. So Representative Peery's title amendment did not change the scope of the original bill; it simply restores the original title as introduced in the Senate.

While it is unusual to allow title amendments in this body, the Speaker finds that in this case, where the proposed title amendment is identical to the original title of the bill, there is no violation of the rules and the amendment is, therefore, in order. Representative Padden, thanks for raising this point, but it is not well taken.

The amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6733 as amended by the House, and the bill passed the House by the following vote: Yeas, 65; nays, 31; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Beck, Belcher, Bennett, Berozoff, Braddock, Brekke, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Hargrove, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, Kremen, May, Meyers R, Morris, Myers H, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Sayan, Silver, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, and Mr. Speaker - 65.

Voting nay: Representatives Basich, Baugher, Bowman, Brooks, Brough, Brumsickle, Cole, Grant, Haugen, Heavey, King R, Kirby, Leonard, Locke, McLean, Miller, Moyer, Nealey, Nelson, Prince, Rayburn, Rust, Schmidt, Schoon, Scott, Smith, Sommers H, Wilson S, Wood, Youngsman, Zellinsky - 31.

Excused: Representative Hankins - 1.

Second Substitute Senate Bill No. 6733 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker called on Representative Wang to preside.

MESSAGE FROM THE SENATE

March 1, 1990

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8437,

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. Wang presiding) announced the Speaker had signed:

SENATE CONCURRENT RESOLUTION NO. 8437.

MOTION

Mr. Ebersole moved that the House immediately consider Substitute Senate Bill No. 6191 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 6191, by Committee on Health & Long-Term Care (originally sponsored by Senators West, Kreidler, Johnson, Anderson, Gaspard, Niemi, McMullen, Murray, Wojahn, Conner, Patrick, Stratton and Smith)

Establishing the Washington state trauma care system.

The bill was read the second time.

Mr. Braddock moved adoption of the following amendment:

On page 31, after line 13, insert the following:

"NEW SECTION, Sec. 32. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

Mr. Braddock spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representative Braddock to the title was adopted:

On page 1, line 6 of the title, after "18.73.085;" insert "creating a new section:"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock and Wolfe spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Braddock yielded to question by Ms. Schmidt.

Ms. Schmidt: Representative Braddock, the only information we have on this is this sheet of paper. Could you tell me the amount of this project and what the source of the funds will be?

Mr. Braddock: As passed by the Senate, the amount would come from the general fund. It is slightly more than two and one-half million dollars for administering that. That is general fund money. We had passed in the House a bill, which has not gone through the process--we are using the Senate vehicle--and which had consideration of driver's license fees, but that bill died. This one is from the Senate with the funds coming from the general fund.

Ms. Schmidt: And it is two and one-half million dollars?

Mr. Braddock: Roughly.

Mr. Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6191 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Hankins - 1.

Substitute Senate Bill No. 6191, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House consider the following bills on the second reading calendar in the following order: Substitute Senate Bill No. 6255, Senate Bill No. 6304, Substitute Senate Bill No. 6306, Senate Bill No. 6335, Substitute Senate Bill No. 6446 and Substitute Senate Bill No. 6447. The motion was carried.

SUBSTITUTE SENATE BILL NO. 6255, by Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge, Bailey, Anderson, Hayner, Johnson, Sutherland, McCaslin, Warnke and Patrick)

Increasing penalties for assaulting transit and school bus drivers.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 23, 1990.)

Mr. Crane moved adoption of the committee amendment. Mr. Crane spoke in favor of adoption of the committee amendment, and Mr. Padden spoke against it.

The Speaker (Mr. Wang presiding) stated the question before the House to be adoption of the committee amendment by Committee on Judiciary.

A division was called. The Speaker (Mr. Wang presiding) called upon the House to divide. The result of the division was: Yeas - 57; Nays - 39. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6255 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Hankins - 1.

Substitute Senate Bill No. 6255 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6304, by Senators Saling, Bauer, McDonald, Stratton, Bailey, von Reichbauer, Lee, Johnson, McCaslin, Benitz, Thorsness and Amondson

Requiring that sick leave records be kept for teaching and research faculty at state and regional universities.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 23, 1990.)

Mr. Jacobsen moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Jacobsen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6304 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Hankins - 1.

Senate Bill No. 6304 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6306, by Committee on Higher Education (originally sponsored by Senators Saling, McDonald, Stratton, Bailey, McCaslin, Benitz, Thorsness, Barr and Amondson)

Revising provisions for tenure at community colleges.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 45th Day, February 21, 1990.)

Mr. Jacobsen moved adoption of the committee amendment.

Mr. R. King moved adoption of the following amendments by Representatives R. King, Jacobsen, Van Luven and Spanel to the committee amendment:

On page 2, line 2 of the amendment, after "nine" strike "consecutive ((" and insert "consecutive"

On page 2, line 10 of the amendment, after "committee," insert "With the consent of the probationary faculty member and the appointing authority, the probationary period may be extended up to three additional college quarters."

Mr. R. King spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Jacobsen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6306 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Hankins - 1.

Substitute Senate Bill No. 6306 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6335, by Senators Metcalf, Sutherland, Smith and Kreidler

Making it unlawful to operate certain commercial vessels in a negligent manner.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. R. King spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6335, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery,

Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Hankins - 1.

Senate Bill No. 6335, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6446, by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Madsen, Patrick, Kreidler, Sutherland and Barr)

Revising provisions for public water systems.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Nelson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6446, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Hankins - 1.

Substitute Senate Bill No. 6446, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6447, by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Madsen, Patrick, Sutherland and Barr)

Regarding failing public water systems.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.) Committee on Revenue recommendation: Majority, do pass as amended by Committee on Revenue and without amendments by Committee on Energy & Utilities. (For committee amendments, see Journal, 50th Day, February 26, 1990.)

Mr. Pruitt moved adoption of the committee amendment by Committee on Revenue and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment by Committee on Revenue to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nelson and Miller spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6447 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean,

Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D. Sommers H. Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K. Wilson S. Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Hankins - 1.

Substitute Senate Bill No. 6447 as amended by the House, having received the constitutional majority, was declared passed.

Representative Hankins appeared at the bar of the House.

MOTION

Mr. Ebersole moved that the House consider the following bills on the second reading calendar in the following order: Substitute Senate Bill No. 6474, Engrossed Substitute Senate Bill No. 6499, Senate Bill No. 6564, Senate Bill No. 6574 and Engrossed Second Substitute Senate Bill No. 6610. The motion was carried.

SUBSTITUTE SENATE BILL NO. 6474, by Committee on Financial Institutions & Insurance (originally sponsored by Senators Williams, von Reichbauer, Moore, Rinehart, Niemi, Talmadge and Murray)

Changing provisions relating to purchase and sale of property and policy decisions by certain public corporations.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 23, 1990.)

Mr. Cooper moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Ms. H. Sommers moved adoption of the following amendments by Representatives H. Sommers, Haugen and Ferguson:

On page 2, line 17, after "chapter" strike "they" and insert "and the public market is managed in whole or in part by a public corporation created by a city, the words"

On page 5, line 24, after "chapter" strike "they" and insert "and the public market is managed in whole or in part by a public corporation created by a city, the words"

On page 8, line 35, after "chapter" strike "they" and insert "and the public market is managed in whole or in part by a public corporation created by a city, the words"

Ms. H. Sommers spoke in favor of adoption of the amendments, and they were adopted.

Mr. Wolfe moved adoption of the following amendment by Representatives Wolfe, Padden and Baugher:

On page 9, following line 7, insert:

"NEW SECTION. Sec. 5. Nothing in this act shall be construed to permit first class cities to use the power of eminent domain to create or maintain public markets."

Mr. Wolfe spoke in favor of adoption of the amendment, and Ms. Haugen spoke against it.

The amendment was not adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Wolfe spoke against passage of the bill, and Ms. H. Sommers spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6474 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice,

Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Fuhrman, Moyer, Padden, Wolfe - 4.

Substitute Senate Bill No. 6474 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6499, by Committee on Law & Justice (originally sponsored by Senators Nelson, Vognild, Newhouse, Rasmussen, Thorsness, Murray, Patrick, Bender, Rinehart, Bailey, Madsen and Brauer)

Authorizing a surcharge or district court filing fees to fund dispute resolution centers.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

Mr. Crane moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

MOTION

Mr. Ebersole moved that the House defer further consideration of Engrossed Substitute Senate Bill No. 6499 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 6564, by Senators von Reichbauer, McMullen and Johnson

Removing the pooling of funds by commercial fishers from the definition of insurer under the insurance code.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Dellwo spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6564, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6564, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6574, by Senators Lee, Smitherman, West, McCaslin, Murray, Williams, Amondson and Anderson

Changing the definition of housing under the Washington state housing finance commission.

The bill was read the second time.

Mr. Locke moved adoption of the following amendment:

On page 3, after line 6, insert the following:

*NEW SECTION. Sec. 2. As used in sections 3 through 9 of this act, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) 'Construction' or 'construct' means construction and acquisition, whether by device, purchase, gift, lease, or otherwise.

(2) 'Facilities' means land, rights in land, buildings, structures, equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.

(3) 'Financing document' means a lease, sublease, installment sale agreement, conditional sale agreement, loan agreement, mortgage, deed of trust guaranty agreement, or other agreement for the purpose of providing funds to pay or secure debt service on revenue bonds.

(4) 'Improvement' means reconstruction, remodeling, rehabilitation, extension, and enlargement. 'To improve' means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.

(5) 'Nonprofit corporation' means a nonprofit corporation described under section 501(c)(3) of the Internal Revenue Code, or similar successor provisions.

(6) 'Nonprofit facilities' means facilities owned or used by a nonprofit corporation for any nonprofit activity described under section 501(c)(3) of the Internal Revenue Code that qualifies such a corporation for an exemption from federal income taxes under section 501(a) of the Internal Revenue Code, or similar successor provisions provided that facilities which may be funded pursuant to chapter 28B.07, 35.82, 43.180, or 70.37 RCW shall not be included in this definition.

(7) 'Project costs' means costs of (a) acquisition, construction, and improvement of any facilities included in a nonprofit facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of a nonprofit facility, including costs of studies assessing the feasibility of a nonprofit facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this section.

(8) 'Revenue bond' means a taxable or tax-exempt nonrecourse revenue bond, nonrecourse revenue note, or other nonrecourse revenue obligation issued for the purpose of providing financing to a nonprofit corporation on an interim or permanent basis.

(9) 'User' means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and may include a party who transfers the right of use and occupancy to another party by lease, sublease, or otherwise.

NEW SECTION, Sec. 3. The commission has the following powers with respect to nonprofit facilities together with all powers incidental thereto or necessary for the performance thereof:

(1) To make secured loans to nonprofit corporations for the purpose of providing temporary or permanent financing or refinancing of all or part of the project cost of any nonprofit facility, including the refunding of any outstanding obligations, mortgages, or advances issued, made, or given by any person for the project costs of a nonprofit corporation; and to charge and collect interest on the loans for the loan payments upon such terms and conditions as its commissioners consider advisable which are not in conflict with this subchapter;

(2) To issue revenue bonds for the purpose of financing all or part of the project cost of any nonprofit facility and to secure the payment of the revenue bonds as provided in this subchapter;

(3) To collect fees or charges from users or prospective users of nonprofit facilities to recover actual or anticipated administrative costs;

(4) To execute financing documents incidental to the powers enumerated in this section;

(5) To accept grants and gifts;

(6) To establish such special funds with any financial institution providing fiduciary services within or without the state as it deems necessary and appropriate and invest money therein.

NEW SECTION, Sec. 4. (1) The proceeds of the revenue bonds of each issue shall be used solely for the purposes set forth in this subchapter and shall be disbursed in such manner and under such restrictions, if any, provided in the resolution authorizing the issuance of the revenue bonds or in the trust agreement securing the bonds. If the proceeds of the revenue bonds of any series issued with respect to the cost of any nonprofit facility exceeds the cost of the nonprofit facility for which issued, the surplus shall be deposited to the credit of the debt service fund for the revenue bonds or used to purchase the revenue bonds in the open market.

(2) The commission may issue interim notes in the manner provided for the issuance of revenue bonds to fund nonprofit facilities prior to issuing other revenue bonds to fund such facilities. The commission may issue revenue bonds to fund nonprofit facilities that are exchangeable for other revenue bonds, when these other revenue bonds are executed and available for delivery.

(3) The principal of and interest on any revenue bonds issued by the commission shall be secured by a pledge of unexpended bond proceeds and the revenues and receipts derived from the nonprofit facilities funded by the revenue bonds pursuant to financing documents. The resolution under which the revenue bonds are authorized to be issued and any financing document may contain agreements and provisions respecting the maintenance or use of the nonprofit facility covered thereby, the fixing and collection of rents, purchase price payments or

loan payments, the creation and maintenance of special funds from such revenues or from revenue bond proceeds, the rights and remedies available in the event of default, and other provisions relating to the security for the bonds, all as the commission considers advisable which are not in conflict with this subchapter.

(4) All revenue bonds issued under this subchapter and any interest coupons applicable thereto are negotiable instruments within the meaning of Article 8 of the uniform commercial code, Title 62A RCW, regardless of form or character.

(5) Notwithstanding subsection (1) of this section, such bonds and interim notes may be issued and sold in accordance with chapter 39.46 RCW.

NEW SECTION. Sec. 5. The commission may provide by resolution for the issuance of revenue refunding bonds for the purpose of refunding any obligations issued for a nonprofit facility, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption or maturity of the revenue bonds and, if considered advisable by the commission, for the additional purpose of financing improvements, extensions, or enlargements to the nonprofit facility for another nonprofit facility. The issuance of the revenue refunding bonds, the maturities and other details thereof, the rights of the owners thereof, and the rights, duties, and obligations of the commission in respect to the same shall be governed by this chapter insofar as applicable.

NEW SECTION. Sec. 6. Any bonds issued under this subchapter may be secured by a trust agreement between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. The trust agreement may evidence a pledge or assignment of the financing documents and lease, sale, or loan revenues to be received from a lessee or purchaser of or borrower with respect to a nonprofit facility for the payment of principal of and interest and any premium on the bonds as the same shall become due and payable and may provide for creation and maintenance of reserves for these purposes. A trust agreement or resolution providing for the issuance of the revenue bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondowners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties in relation to the acquisition of property and the construction, improvement, maintenance, use, repair, operation, and insurance of the nonprofit facility for which the bonds are authorized, and the custody, safeguarding, and application of all money. Any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of revenue bonds or of revenues may furnish such indemnifying bonds or pledge such securities as may be required by the commission. A trust agreement may set forth the rights and remedies of the bondowners and of the trustee and may restrict the individual right of action by bondowners as is customary in trust agreements or trust indentures securing bonds and debentures of private corporations. In addition, a trust agreement may contain such provisions as the commission considers reasonable and proper for the security of the bondowners which are not in conflict with this subchapter.

NEW SECTION. Sec. 7. A lessee or contracting party under a sale contract or loan agreement shall not be required to be the eventual user of a nonprofit facility if any sublessee or assignee assumes all of the obligations of the lessee or contracting party under the lease, sale contract, or loan agreement, but the lessee or contracting party or their successors shall remain primarily liable for all of its obligations under the lease, sale contract, or loan agreement and the use of the nonprofit facility shall be consistent with the purposes of this subchapter.

NEW SECTION. Sec. 8. The proceedings authorizing any revenue bonds under this subchapter or any financing document securing the revenue bonds may provide that if there is a default in the payment of the principal of or the interest on the bonds or in the performance of any agreement contained in the proceedings or financing document, the payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents, purchase price payments, and loan repayments, and to apply the revenues from the nonprofit facility in accordance with the proceedings or provisions of the financing document. Any financing document entered into under this subchapter may also provide that if there is a default in the payment thereof or a violation of any agreement contained in the financing document, the nonprofit facility may be foreclosed and sold under proceedings in equity or in any other manner now or hereafter permitted by law. Any financing document may also provide that any trustee under the financing document or the holder of any revenue bonds secured thereby may become the purchaser at any foreclosure sale if it is the highest bidder.

NEW SECTION. Sec. 9. The Washington state housing finance commission shall be the sole issuer of revenue bonds for facilities owned and operated by nonprofit corporations in the state except for revenue bonds to finance such facilities issued by the Washington health care facilities authority established by chapter 70.37 RCW, or the Washington higher education facilities authority established by chapter 28B.07 RCW.

NEW SECTION. Sec. 10. Sections 2 through 9 of this act shall be added to chapter 43.180 RCW and codified with the subchapter heading of 'Nonprofit corporation facilities.'

Mr. Locke spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representative Locke to the title was adopted:

On page 1, line 2 of the title, after "commission;" strike "and" and after "43.180.020" insert " and adding new sections to chapter 43.180 RCW"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6574 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6574 as amended by the House, having received the constitutional majority, was declared passed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. Wang presiding) announced that the House would consider the following bills on the second reading calendar in the following order: Engrossed Substitute Senate Bill No. 6649, Senate Bill No. 6673, Substitute Senate Bill No. 6697, Engrossed Substitute Senate Bill No. 6700, Engrossed Substitute Senate Bill No. 6726, Substitute Senate Bill No. 6729, Senate Bill No. 6741 and Substitute Senate Bill No. 6776. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6649, by Committee on Transportation (originally sponsored by Senators Conner, Hansen and Bauer)

Clarifying the status of Adopt-a-Highway signs.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 50th Day, February 26, 1990.)

Ms. R. Fisher moved adoption of the committee amendment. Representatives R. Fisher and Walker spoke in favor of adoption of the committee amendment, and it was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6649 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Substitute Senate Bill No. 6649 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6673, by Senators McCaslin, Smitherman and Thorsness; by request of Department of General Administration

Changing provisions relating to state employees operating state-owned vehicles.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Todd and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6673, and the bill passed the House by the following vote: Yeas, 96; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Brough - 1.

Senate Bill No. 6673, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6697, by Committee on Transportation (originally sponsored by Senator DeJarnatt)

Ordering a study of the need for a second bridge over the Columbia at Longview.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6697, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 6697, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6700, by Committee on Transportation (originally sponsored by Senators Patterson, Metcalf, DeJarnatt, Amondson, Benitz, Newhouse, Sellar, Hansen, Conner and Madsen)

Regulating trucking of recovered materials.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

Ms. Rust moved adoption of the committee amendment.

MOTION

With consent of the House, further consideration of Engrossed Substitute Senate Bill No. 6700 was deferred and the bill was ordered to hold its place on the second reading calendar.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6726, by Committee on Environment & Natural Resources (originally sponsored by Senators Owen, Metcalf and Patrick)

Providing funds for firearm range facilities.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Fisheries & Wildlife.

Mr. R. King moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. R. King spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6726 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Substitute Senate Bill No. 6726 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6729, by Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge, McCaslin, Rasmussen, Newhouse, Niemi, Thorsness, Hayner, Madsen and Patrick)

Providing for DNA identification.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 23, 1990.)

Mr. Crane moved adoption of the committee amendment. Representatives Crane and Locke spoke in favor of adoption of the committee amendment, and Ms. Brough spoke against it. Mr. Padden spoke in favor of the committee amendment, and Ms. Brough again opposed it.

The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6729 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Brough - 1.

Substitute Senate Bill No. 6729 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6741, by Senators Amondson, Owen, Metcalf and Sutherland

Modifying permit requirements for substantial developments on shorelines as they relate to utility extensions.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

Ms. Rust moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and D. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6741 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6741 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6776, by Committee on Law & Justice (originally sponsored by Senators Nelson and Talmadge)

Revising the Washington condominium act.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane and May spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6776, and the bill passed the House by the following vote: Yeas, 94; nays, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Fuhrman, McLean, Padden - 3.

Substitute Senate Bill No. 6776, having received the constitutional majority, was declared passed.

MOTION

Mr. Heavey moved that the House resume consideration of Engrossed Substitute Senate Bill No. 6499 on the second reading calendar. The motion was carried. (For previous action, see today's Journal.)

ENGROSSED SUBSTITUTE SENATE BILL NO. 6499, by Committee on Law & Justice (originally sponsored by Senators Nelson, Vognild, Newhouse, Rasmussen, Thorsness, Murray, Patrick, Bender, Rinehart, Bailey, Madsen and Bauer)

Authorizing a surcharge or district court filing fees to fund dispute resolution centers.

Mr. Padden moved adoption of the following amendment:

On page 1, line 11, after "chapter," insert "No dispute resolution center may be funded with money raised by this subsection unless the center charges a user fee at least equivalent to the filing fee in small claims court and allows waiver of the user fee only for indigent participants."

Mr. Padden spoke in favor of adoption of the amendment, and Representatives Crane and Scott spoke against it.

The Speaker (Mr. Wang presiding) stated the question before the House to be adoption of the amendment on page 1, line 11, by Representative Padden.

A division was called. The Speaker (Mr. Wang presiding) called upon the House to divide. The result of the division was: Yeas - 38; Nays - 59. The amendment was not adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Padden and Schmidt spoke against passage of the bill, and Representatives Crane, Scott and Haugen spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6499 as amended by the House, and the bill passed the House by the following vote: Yeas, 58; nays, 39.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Hine, Insee, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walker, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 58.

Voting nay: Representatives Basich, Beck, Bennett, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Doty, Ferguson, Forner, Fuhrman, Hankins, Hargrove, Heavey, Holland, Horn, Jesernig, Kirby, May, McLean, Meyers R, Miller, Moyer, Nealey, Padden, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Wang, Winsley, Wolfe, Wood, Youngsman - 39.

Engrossed Substitute Senate Bill No. 6499 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: Second Substitute Senate Bill No. 6779, Second Substitute Senate Bill No. 6780, Senate Bill No. 6816, Substitute Senate Bill No. 6827, Senate Bill No. 6862 and Senate Bill No. 6866. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 6779, by Committee on Ways & Means (originally sponsored by Senators Barr, Madsen, Newhouse, Hansen, Benitz and Williams)

Providing for regional water resource planning.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Natural Resources & Parks.

MOTION

Mr. Heavey moved that the House defer further consideration of Second Substitute Senate Bill No. 6779 and that the bill hold its place on the second reading calendar. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 6780, by Committee on Ways & Means (originally sponsored by Senators Newhouse, Hansen, Barr, Madsen, Bailey and Anderson)

Establishing farmworker housing inspection procedures and standards.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 46th Day, February 22, 1990.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Housing.

On motion of Ms. Nutley, the committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nutley and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6780 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R. Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Second Substitute Senate Bill No. 6780 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6816, by Senators Anderson, Bailey and Barr

Exempting milk pumping from the special fuel tax.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher, Nelson and Kremen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6816, and the bill passed the House by the following vote: Yeas, 91; nays, 6.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brooks, Brough, Brumsickle, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Anderson, Brekke, Cole, Phillips, Rust, Wang - 6.

Senate Bill No. 6816, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6827, by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Kreidler, Bluechel, Madsen, Amondson, Anderson, Warnke and Saling)

Studying state-wide 911.

The bill was read the second time.

Mr. Nelson moved adoption of the following amendment by Representatives Nelson and Miller:

On page 1, line 12, after "The" insert "utilities and transportation"

Mr. Nelson spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nelson and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6827 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 6827 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6862, by Senators McMullen, Metcalf, Amondson and Sutherland

Creating the Washington hardwoods commission.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Sayan spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6862, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner,

Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6862, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6866, by Senator Barr

Changing fee amount for research for field and turf grass seed production.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn, Wolfe and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6866, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6866, having received the constitutional majority, was declared passed.

The Speaker (Mr. Wang presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

MOTION

Mr. Ebersole moved that the House consider the following bills on the second reading calendar in the following order: House Bill No. 2674, Substitute Senate Bill No. 6664, Second Substitute Senate Bill No. 6418, Engrossed Senate Bill No. 5371 and Second Substitute Senate Bill No. 5835. The motion was carried.

HOUSE BILL NO. 2674, by Representatives G. Fisher, Hine, Brough, R. Fisher, Heavey, Brumsickle, R. Meyers, Rector, Belcher, Prentice, Todd, Valle, Crane, Inslee, Locke, Cooper, Walker, Nelson, P. King, Ferguson, Jacobsen, Dellwo, Forner, Wineberry, Betzoff and McLean

Creating the Air Transportation Commission.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass substitute by Committee on Transportation as amended by Committee on Appropriations. (For committee amendment, see Journal, 50th Day, February 26, 1990.)

POINT OF ORDER

Mr. Padden: Mr. Speaker, House Bill No. 2674 would seem to be a violation of our cutoff rule, as it was introduced past the time limit. I would like a ruling if it meets the requirements of the cutoff resolution.

MOTION

Mr. Heavey moved that the House defer further consideration of House Bill No. 2674 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 6664, by Committee on Economic Development & Labor (originally sponsored by Senators McDonald, Gaspard, Warnke and Rasmussen; by request of Department of Licensing)

Amending the business license center act.

The House resumed consideration of Substitute Senate Bill No. 6664 on second reading. (For previous action, see Journal, 52nd Day, February 28, 1990, Afternoon Session.)

Mr. Wineberry moved adoption of the following amendments by Representative Locke:

On page 1, line 29 after "rules" strike "and fees"

On page, line 1 after "rules" strike "and fees"

On page 2, line 13 after "endorsements" strike "as well as a handling fee to be established by rule by the department to help defray the cost of issuing the master license" and insert "as well as the handling fee established under section 3 of this act"

On page 3, beginning on line 9 strike section 3 and insert:

"NEW SECTION. Sec. 3. A new section is added to chapter 19.02 RCW to read as follows:

The department shall collect a handling fee of ten dollars for each original master license application and a handling fee of five dollars for each master license renewal application. The handling fees collected under this section shall be deposited in the general fund."

Mr. Wineberry spoke in favor of adoption of the amendments, and they were adopted.

Mr. Wineberry moved adoption of the following amendment by Representative Locke:

On page 3, beginning on line 33 strike section 5

Renumber the remaining sections consecutively and correct internal references accordingly.

Mr. Wineberry spoke in favor of adoption of the amendment, and it was adopted.

Mr. Van Luven moved adoption of the following amendment:

On page 3, at line 19, insert:

"Sec. 4. Section 19, chapter 165, Laws of 1989 and RCW 23B.01.530 are each amended to read as follows:

For the privilege of doing business, every corporation organized under the laws of this state, except the corporations for which existing law provides a different fee schedule, shall make and file a statement in the form prescribed by the secretary of state and shall pay an annual license fee each year following incorporation, on or before the expiration date of its corporate license, to the secretary of state. The secretary of state shall collect an annual license fee of fifty dollars, unless the corporation has conducted no business or financial activity, other than the payment of fees required by this chapter, in the prior year. Corporations which have conducted no business or financial activity in the prior year, other than the payment of fees required by this chapter, shall pay an annual license fee of ten dollars."

Renumber the following sections consecutively.

Mr. Van Luven spoke in favor of adoption of the amendment, and Mr. Wineberry spoke against it. The amendment was not adopted.

On motion of Mr. Wineberry, the following amendment by Representative Locke to the title was adopted:

On page 1, line 3 of the title after "section" strike "repealing RCW 19.02.038 and 19.02.110:"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wineberry and Doty spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6664 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Former, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Kirby, Padden, Silver, Tate - 4.

Substitute Senate Bill No. 6664 as amended by the House, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6418, by Committee on Ways & Means (originally sponsored by Senators Barr, Warnke, West, Wojahn, Patterson, Rinehart, Smitherman, Newhouse, Owen, Smith, Amundson, Bauer, DeJarnatt, Williams, Talmadge, Hansen, Conner, Madsen and Kreidler; by request of Governor)

Expanding rural health care opportunities.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.) Committee on Appropriations recommendation: Majority, do pass with amendments by Committee on Health Care as amended by Committee on Appropriations. (For committee amendment, see Journal, 50th Day, February 26, 1990.)

Mr. Braddock moved adoption of the committee amendment by Committee on Health Care.

On motion of Mr. Braddock, the committee amendment by Committee on Appropriations to the committee amendment by Committee on Health Care was adopted.

The committee amendment by Committee on Health Care as amended was adopted.

With consent of the House, the committee amendment by Committee on Health Care to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Mr. Dellwo yielded to question by Mr. Braddock.

Mr. Braddock: Representative Dellwo, Substitute House Bill No. 3002, if enacted, would raise solvency requirements for health care service contractors under Title 48 RCW. Is it the intention of the Legislature that rural health care arrangements, provided for in Second Substitute Senate Bill No. 6418, qualify for the phase-in of solvency requirements established in Substitute House Bill No. 3002?

Mr. Dellwo: Yes, Representative Braddock, it is our intention that the health care service contractors, enabled under Second Substitute Senate Bill No. 6418, be considered eligible to phase into the increased solvency requirements established under Substitute House Bill No. 3002.

Representatives Braddock, Kirby, Wolfe and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6418 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Second Substitute Senate Bill No. 6418 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5371, by Senators Gaspard, Bailey and Bauer

Establishing an award for excellence in teacher preparation.

The bill was read the second time.

Mr. Peery moved adoption of the following amendment:

On page 2, after line 28, strike all of NEW SECTION, Sec. 7.

Mr. Peery spoke in favor of adoption of the amendment, and it was adopted.

Ms. Valle moved adoption of the following amendment by Representatives Valle, Betzoff, G. Fisher, Horn, Pruitt, Brumsickle, Rayburn, Rasmussen, Jacobsen, Dorn, Cole, Winsley, Nelson and R. King:

On page 2, after line 33, insert the following:

"EXCELLENCE IN TEACHER PREPARATION PROGRAM

NEW SECTION, Sec. 8. The legislature finds that excellence in teacher preparation requires increased cooperation and coordination between institutions of higher education and school districts as it relates to the preparation of students into the profession of teaching. The legislature further finds that an increase in the level of such cooperation and coordination in selecting, training, and supervising excellent 'cooperating' teachers, and the development of new school and university partnerships, will be beneficial to the teaching profession, and will enhance the ability of all new teachers to perform at a more competent level during their initial teaching experience.

NEW SECTION, Sec. 9. The excellence in teacher preparation program is hereby created to improve the quality of teacher preparation by providing cooperating teachers for all student teachers during their student teaching internship. The superintendent of public instruction shall adopt rules to establish and operate the excellence in teacher preparation program. The program shall provide that:

(1) Cooperating teachers shall be appointed by school districts in a joint selection process with the institutions of higher education, and shall hold a continuing professional certificate;

(2) All student teacher interns from a regionally accredited institution of higher education whose professional education preparation program has been approved by the state board of education shall be provided a cooperating teacher for up to two academic quarters;

(3) Cooperating teachers shall provide a source of continuing and sustained assistance, training, and support and shall be involved in evaluations and recommendations to the institutions of higher education respecting the competency of the student teacher intern. Cooperating teachers shall collaborate with their school principals respecting the support, training, and assistance they provide under this program;

(4) Salary stipends for cooperating teachers shall be paid through supplemental contracts as provided in the state operating appropriations act; and

(5) The institutions of higher education, in consultation with the superintendent of public instruction, may provide workshops for training cooperating teachers, subject to appropriations in the state operating appropriations act.

NEW SECTION, Sec. 10 Sections 8 and 9 of this act are added to Title 28A RCW."

Representatives Valle and Betzoff spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representative Peery to the title was adopted:

On page 1, line 2 of the title, after "28A.04 RCW;" strike all language through "appropriation." on page 1, line 3 of the title, and insert "and creating a new section."

With consent of the House, the following amendment by Representative Valle and others to the title was adopted:

On page 1, line 2 of the title, after "28A.04 RCW;" insert "adding new sections to Title 28A RCW:"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5371 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Senate Bill No. 5371 as amended by the House, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5835, by Committee on Energy & Utilities (originally sponsored by Senators Benitz and Rasmussen)

Creating an energy information program for local school district use.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

Mr. G. Fisher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives K. Wilson, Haugen, Schoon and Hine spoke against passage of the bill, and Representatives Betzoff, Pruitt, Jesernig, Hankins and Peery spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5835 as amended by the House, and the bill passed the House by the following vote: Yeas, 79; nays, 18.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cooper, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Hankins, Hargrove, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Leonard, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson S, Wineberry, Wolfe, Wood, Youngsman, and Mr. Speaker - 79.

Voting nay: Representatives Anderson, Braddock, Cole, Crane, Fuhrman, Grant, Haugen, Heavey, Hine, Kirby, Kremen, Locke, Morris, Rasmussen, Schoon, Wilson K, Winsley, Zellinsky - 18.

Second Substitute Senate Bill No. 5835 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House consider the following bills on the second reading calendar in the following order: Substitute Senate Bill No. 5935, Second Substitute Senate Bill No. 5993, Senate Bill No. 6192, Senate Bill No. 6201, Substitute Senate Bill No. 6221 and Senate Bill No. 6224. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5935, by Committee on Governmental Operations (originally sponsored by Senators Williams, Cantu, Niemi and Lee)

Creating the capitol campus design advisory committee.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Todd spoke in favor of passage of the bill, and Mr. McLean spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5935, and the bill passed the House by the following vote: Yeas, 78; nays, 19.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brumsickle, Cantwell, Cole, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hargrove, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 78.

Voting nay: Representatives Ballard, Brooks, Brough, Cooper, Fuhrman, Hankins, Haugen, Holland, Horn, Kirby, May, McLean, Miller, Moyer, Padden, Smith, Sommers D, Wolfe, Youngsman - 19.

Substitute Senate Bill No. 5935, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5993, by Committee on Energy & Utilities (originally sponsored by Senators Benitz, Stratton, Newhouse and Hayner)

Promoting the use of one thousand acres leased on the Hanford reservation.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Cantwell spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5993, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Second Substitute Senate Bill No. 5993, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6192, by Senators West, Stratton, McCaslin and Kreidler

Revising provisions for substitution of generic drugs.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6192, and the bill passed the House by the following vote: Yeas, 97.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Loven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6192, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6201, by Senators Lee and Rasmussen; by request of Attorney General

Changing regulation of health studio services.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Cole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6201, and the bill passed the House by the following vote: Yeas, 97.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Loven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6201, having received the constitutional majority, was declared passed.

MOTION

Mr. Heavey moved that the House defer consideration of Senate Bill No. 6221 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 6224, by Senators Bailey, Bender, Lee, Gaspard, Murray, Talmadge and Craswell; by request of Superintendent of Public Instruction

Allowing the SPI to withhold basic education moneys from school districts owing repayment of moneys to the federal government.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Peery and Brumsickle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6224, and the bill passed the House by the following vote: Yeas, 96; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Meyers R - 1.

Senate Bill No. 6224, having received the constitutional majority, was declared passed.

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: Engrossed Substitute Senate Bill No. 6452, Substitute Senate Bill No. 6473 and Engrossed Senate Bill No. 6834. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6452, by Committee on Ways & Means (originally sponsored by Senators von Reichbauer, Gaspard, McDonald, Newhouse and Lee)

Clarifying "annual leave" for purposes of the school district leave sharing program.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.) Committee on Appropriations recommendation: Majority, do pass with amendments by Committee on State Government as amended by Committee on Appropriations. (For committee amendment, see Journal, 50th Day, February 26, 1990.)

Mr. Todd moved adoption of the committee amendment by Committee on State Government.

Mr. Grant moved adoption of the committee amendment by Appropriations to the committee amendment by Committee on State Government. Representatives Grant, Silver, McLean and Schoon spoke in favor of adoption of the committee amendment to the committee amendment, and Representatives Peery and Todd spoke against it.

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

ROLL CALL

The Clerk called the roll on adoption of the committee amendment by Committee on Appropriations to the committee amendment by Committee on State Government to Engrossed Substitute Senate Bill No. 6452, and the committee amendment to the committee amendment was not adopted by the following vote: Yeas, 41; nays, 56.

Voting yea: Representatives Appelwick, Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Dorn, Doty, Ferguson, Forner, Fuhrman, Hankins, Holland, Horn, May, McLean, Meyers R, Miller, Morris, Moyer, Nealey, Padden, Prentice, Prince, Sayan, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Vekich, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 41.

Voting nay: Representatives Anderson, Basich, Baugher, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 56.

The committee amendment by Committee on State Government was adopted.

On motion of Mr. Todd, the committee amendment by Committee on State Government to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Todd, McLean and Rector spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6452 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Substitute Senate Bill No. 6452 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6473, by Committee on Law & Justice (originally sponsored by Senators Thorsness, Wojahn, McCaslin, Gaspard, Rasmussen and Lee; by request of Department of Corrections)

Changing conditions applying to the sale of products of correctional industries.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

Mr. Sprenkle moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Sprenkle, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Sprenkle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6473 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 6473 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6834, by Senators Sellar, Conner, West, McDonald and Bauer

Establishing a basic health care plan for small business employees.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sprenkle and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6834, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Veklich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Senate Bill No. 6834, having received the constitutional majority, was declared passed.

MOTION

Mr. Heavey moved that the House consider the following bills on the second reading calendar in the following order: Engrossed Substitute Senate Bill No. 6700 and Substitute Senate Bill No. 6190. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6700, by Committee on Transportation (originally sponsored by Senators Patterson, Melcalf, DeJarnatt, Amondson, Benitz, Newhouse, Sellar, Hansen, Conner and Madsen)

Regulating trucking of recovered materials.

The House resumed consideration of Engrossed Substitute Senate Bill No. 6700 on second reading. (For previous action, see today's Journal.)

The Speaker (Mr. O'Brien presiding) stated the question before the House to be adoption of the committee amendment by Committee on Environmental Affairs.

Mr. Sprenkle moved adoption of the following amendment to the committee amendment:

On page 1, line 35, after "generating" strike all material through "month" on page 2, line 2, and insert "ten thousand or more tons of recovered materials per year"

Mr. Sprenkle spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Sprenkle moved adoption of the following amendments to the committee amendment:

On page 2, line 7, after "to" strike "an end-use manufacturing site; and" and insert "another reprocessing facility or to an end-use manufacturing site; or"

On page 2, line 29, after "a" strike all material through "preparing" on line 30 and insert "business registered under 82.32 RCW or a nonprofit corporation identified under 24.03 RCW that accepts or purchases recovered materials and prepares"

Mr. Sprenkle spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Sprenkle moved adoption of the following amendment to the committee amendment:

On page 3, on line 34, after "(3)" strike all material through "materials" on page 4, line 5 and insert "The commission shall adopt rules requiring persons transporting recovered materials to submit information required under 70.95.280"

Mr. Sprenkle spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Sprenkle moved adoption of the following amendments to the committee amendment:

On page 4, after line 9, insert "NEW SECTION. Sec. 3. A new section is added to 81.80 RCW to read as follows:

Nothing in this act shall be construed as changing the provisions of RCW 81.77.010(8), nor shall this act be construed as allowing any entity, other than a solid waste collection company authorized by the commission or an entity collecting solid waste from a city or town under the provisions of chapter 35.21 or 35A.21 RCW, to collect solid waste which may incidentally contain recyclable materials."

On page 4, after line 9, insert "NEW SECTION, Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Mr. Sprenkle spoke in favor of adoption of the amendments, and they were adopted.

The committee amendment as amended was adopted.

With consent of the House, the following amendment by Representative Sprenkle to the committee amendment to the title was adopted:

On page 4, beginning on line 14, strike all material through "section" on line 18 and insert "On page 1, line 2 of the title, after "materials;" strike the remainder of the title and insert "adding new sections to chapter 81.80 RCW; creating a new section; and declaring an emergency"

With consent of the House, the committee amendment as amended to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sprenkle and D. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6700 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Substitute Senate Bill No. 6700 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6190, by Committee on Health & Long-Term Care (originally sponsored by Senators West, Kreidler, Wojahn, Bailey, Nelson, McDonald, Warnke, Niemi, Conner and Stratton)

Providing for the prevention of head injuries.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 46th Day, February 22, 1990.) Committee on Appropriations recommendation: Majority, do pass with amendments by Committee on Health Care as amended by Committee on Appropriations. (For committee amendment, see Journal, 50th Day, February 26, 1990.)

Mr. Day moved adoption of the committee amendment by Committee on Health Care.

Mr. Grant moved adoption of the committee amendment by Committee on Appropriations to the committee amendment by Committee on Health Care.

The Speaker resumed the Chair.

Mr. Grant spoke in favor of adoption of the committee amendment to the committee amendment, and it was adopted.

Mr. Dorn moved adoption of the following amendment by Representatives Dorn and Brough to the committee amendment:

On page 4, line 35, strike all language up to and including "obtained" on page 7, line 14, and insert:

"NEW SECTION. Sec. 7. The Washington state patrol as lead agency, the insurance commissioner, the department of health, the motorcycle safety education advisory board, and members of the public appointed by the directors of the department of health, and the interagency commission for outdoor recreation shall conduct a thorough review of Washington street and off-road motorcycle accident information collection methods, accident causes, driver responsibility, fatalities, and bodily injuries to include head, neck and spinal column injuries for the purpose of determining if Washington motorcycle accident victims who wear motorcycle helmets suffer more, less, or the same number and/or severity of injuries as do similar and comparable unhelmeted motorcycle accidents. Such review shall also compare health care treatment costs and methods of payment for care. A report recommending a statewide motorcycle helmet use policy shall be presented to the legislative transportation committee in 1993."

Renumber the remaining sections accordingly and correct internal references.

Representatives Dorn, Brough, Heavey, K. Wilson and Schoon spoke in favor of adoption of the amendment to the committee amendment, and Representatives Day, Ferguson, Cooper and Wolfe spoke against it.

Mr. Crane demanded the previous question, and the demand was sustained.

The amendment to the committee amendment was not adopted.

Mr. Kirby moved adoption of the following amendment to the committee amendment:

On page 5, line 37 of the committee amendment, after "person" strike "~~((under the age of eighteen years))~~" and insert "under the age of eighteen years"

Representatives Kirby, Fuhrman and Hargrove spoke in favor of adoption of the amendment to the committee amendment, and Representatives Day and D. Sommers spoke against it.

The amendment to the committee amendment was not adopted.

Mr. Jones moved adoption of the following amendments by Representatives Jones, Dorn, Pruitt, Holland, Peery, Hargrove, P. King, Crane and Fomer to the committee amendment:

On page 6, line 2, after "cycle," insert "bicycle."

On page 6, line 21, after "motorcycle" strike "or" and insert "~~((or))~~;"

On page 6, line 21, after "cycle" insert ", or bicycle"

On page 7, line 10, after "cycle," insert "bicycle."

Representatives Jones and Heavey spoke in favor of adoption of the amendments to the committee amendment, and Representatives Day, Brough and Ferguson spoke against them.

The amendments to the committee amendment were not adopted.

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Day, Ferguson and Brooks spoke in favor of passage of the bill, and Representatives Schoon and Jones spoke against it.

POINT OF INQUIRY

Mr. R. Meyers yielded to question by Mr. Dellwo.

Mr. Dellwo: Would the bill be given the same effect as the seat belt statute, RCW 46.61.688, concerning whether or not failure to comply with these requirements would constitute a defense in action for damages by a person on a motorcycle?

Mr. R. Meyers: Thank you for asking, Representative Dellwo. Yes, the bill is intended to be interpreted consistently with that statute, RCW 46.61.688, such that a

failure to comply would not be a defense and would not constitute contributory negligence.

Mr. Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6190 as amended by the House, and the bill passed the House by the following vote: Yeas, 65; nays, 32.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Bowman, Braddock, Brekke, Brooks, Brumsickle, Cantwell, Cole, Cooper, Day, Doty, Ferguson, Fisher R, Fraser, Gallagher, Haugen, Hine, Insee, Jacobsen, King R, Leonard, Locke, May, Meyers R, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Silver, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Betrozoff, Brough, Crane, Dellwo, Dorn, Ebersole, Fisher G, Forner, Fuhrman, Grant, Hankins, Hargrove, Heavey, Holland, Horn, Jesernig, Jones, King P, Kirby, Kremen, McLean, Miller, Nealey, Padden, Prince, Pruitt, Schmidt, Schoon, Smith, Vekich, Wilson K, Youngsman - 32.

Substitute Senate Bill No. 6190 as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

It was my intention to vote against Substitute Senate Bill No. 6190 as amended by the House, dealing with the requirement to wear a helmet while riding a motorcycle.

SIM WILSON, 10th District.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 9:00 a.m., Friday, March 2, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 2, 1990

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Locke, R. Meyers and Todd. On motion of Ms. Cole, Representative Todd was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Traci Stavaas and Jennifur Ketola. Prayer was offered by Representative Clyde Ballard.

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

MESSAGE FROM THE SENATE

March 1, 1990

Mr. Speaker:

The Senate has passed:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 6358,
- SENATE BILL NO. 6408,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6417,
- SENATE BILL NO. 6897,
- ENGROSSED SENATE BILL NO. 6904,
- HOUSE BILL NO. 1957,
- HOUSE BILL NO. 2253,
- ENGROSSED HOUSE BILL NO. 2291,
- HOUSE BILL NO. 2362,
- ENGROSSED HOUSE BILL NO. 2429,
- HOUSE BILL NO. 2485,
- HOUSE BILL NO. 2492,
- HOUSE BILL NO. 2542,
- SUBSTITUTE HOUSE BILL NO. 2584,
- SUBSTITUTE HOUSE BILL NO. 2792,
- HOUSE BILL NO. 2840,
- HOUSE BILL NO. 2868,
- ENGROSSED HOUSE BILL NO. 2882,
- HOUSE BILL NO. 2988,
- SUBSTITUTE HOUSE BILL NO. 2999,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTIONS AND FIRST READING

ESSB 6358 by Committee on Transportation (originally sponsored by Senators Patterson, Bender, Thorsness, Patrick and Nelson; by request of Governor)

Modifying transportation tax rates and distributions.

SB 6408 by Senators Patterson, Bender, Thorsness, Hansen and Talmadge; by request of Governor

Adopting the supplemental transportation budget.

ESSB 6417 by Committee on Ways & Means (originally sponsored by Senators McDonald, Vognild, Bluechel, Saling, Nelson, Rasmussen,

Gaspard, Johnson, Sellar, Bailey and Conner; by request of Governor)

Adopting the supplemental capital budget.

SB 6897 by Senators Patterson, Bender and Murray

Funding a headquarters facility for the department of transportation.

ESB 6904 by Senator Newhouse, Benitz, Warnke, Smitherman, Stratton, Wojahn, Bender, Sutherland, Vognilid, Rasmussen, Talmadge, Fleming, Conner, Patrick, Murray, Madsen, Moore, McMullen, Hayner, Anderson, Cantu and Gaspard

Providing local government fiscal assistance.

MOTION

On motion of Mr. Heavey, the rules were suspended and the bills listed on today's introduction sheet under the fourth order of business were placed on the second reading calendar.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 90-4746, by Representatives Rector, Dellwo, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kirby, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, There is much concern about the use and abuse of alcohol and other drugs among the young people in this state; and

WHEREAS, The administration at Northwood Junior High School in Spokane desired to highlight this concern with a great display of talent of Junior High students in Spokane; and

WHEREAS, Northwood Junior High School sponsored the Spokane County Drug Free Fair which featured an exhibition of student-created projects relating to alcohol and drug awareness in five categories: Political cartooning, public service announcement, statistical chart backed by research, live performance and visual arts; and

WHEREAS, Students from seventeen Junior High and Middle Schools in Spokane County showed their opposition to drugs by submitting projects judged by panels of educators and professionals; and

WHEREAS, Three winners in each category received a plaque and the top winner in each category accompanied his or her own project to Olympia, with a small selection of the best projects on display in the rotunda; and

WHEREAS, The winners, Amanda Bowers from Mead Junior High School in Mead, Robert Haugen from Medical Lake Middle School in Medical Lake, Joe Powers of St. Mary's School in Veradale, Jason Yada of Libby Middle School in Spokane and Bill Yen of Evergreen Junior High School in Veradale, are here in Olympia and are able to meet with legislators and others who are seeking solutions to the drug and alcohol problems in this state; and

WHEREAS, The Spokane County Drug Free Fair demonstrates the high quality of creativity and commitment of the students and administration of Northwood Junior High School;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the winners of the Drug Free Fair that was put on by Northwood

Junior High School, its students, faculty and administration, for their commitment to fighting the drug problem within their county and around their state; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Principal and Vice Principal of Northwood Junior High School in Spokane and to the winners here in attendance.

Mr. Dellwo moved adoption of the resolution. Representatives Dellwo, Padden and Rector spoke in favor of adoption of the resolution.

On motion of Ms. Rector, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 90-4746 was adopted.

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

REPORT OF STANDING COMMITTEE

March 1, 1990

SB 6292 Prime Sponsor, Senator Hansen: Making owners of mosquito infested land responsible for their control. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Grant, Vice Chair; H. Sommers, Vice Chair; Silver, Ranking Republican Member; Belcher, Bowman, Dorn, Doty, Ebersole, Hine, Inslee, May, Nealey, Padden, Rust, Valle, Wang and Wineberry.

Absent: Representatives Locke, Chair; H. Sommers, Vice Chair; Youngsman, Assistant Ranking Republican Member; Appelwick, Braddock, Brekke, Brough, Ferguson, Holland, McLean, Peery, Sayan, Spanel and Wang.

MOTION

On motion of Mr. Heavey, the rules were suspended and the bill listed on today's committee report under the fifth order of business was placed on the second reading calendar.

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

SECOND READING

MOTION

Mr. Heavey moved that the House immediately consider Substitute Senate Bill No. 6221 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 6221, by Committee on Education (originally sponsored by Senators Gaspard, Bailey, Rinehart, Bender, Melcalf, Lee, Murray and Conner; by request of Superintendent of Public Instruction)

Creating the high school and beyond assessment program.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

Mr. Peery moved adoption of the committee amendment on page 2, line 29, and spoke in favor of it. The committee amendment was adopted.

Mr. Peery moved adoption of the committee amendment on page 3, line 19, and spoke in favor of it. The committee amendment was adopted.

Mr. Schoon moved adoption of the following amendment:

On page 4, line 21, strike all of the language through line 6, page 5, and on page 4, line 9, after "(3)" insert "The superintendent of public instruction shall prepare and conduct, with the assistance of local school districts, a standardized achievement test to be given annually to all students in grade ten. The purposes of the test are to assist students in meeting district graduation requirements and in making decisions regarding potential career options and the test results shall allow schools and parents to ascertain the achievement levels of their students as compared with other students within the district, the state, and, if applicable, the nation. The

results may also be used as an aid in the development of plans to build upon individual student's strengths and to address areas in which individual student's skills are not as strong. The test shall include but not be limited to examinations in reading, mathematics, and language arts and a student academic and career interest inventory and may include the collection of other academic achievement related information. Results of the test shall be compiled by the superintendent of public instruction who shall annually make the results available to all local school districts which shall in turn make the results available to students, parent, and teachers in a timely fashion. In addition to a compilation of school district test results, the test results for each school shall be reported as they relate to selected demographic variables."

Renumber the following section consecutively.

Representatives Schoon, K. Wilson, Holland and Haugen spoke in favor of adoption of the amendment, and Representatives Peery, Betrozoff, Kirby, Brumsickle and Basich spoke against it. Mr. Schoon again spoke in favor of the amendment.

The amendment was not adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Brumsickle and Dorn spoke in favor of passage of the bill, and Ms. K. Wilson spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6221 as amended by the House, and the bill passed the House by the following vote: Yeas, 79; nays, 15; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Vekich, Walker, Wineberry, Wood, Youngsman, Zellinsky, and Mr. Speaker - 79.

Voting nay: Representatives Beck, Ferguson, Forner, Fuhrman, Haugen, Holland, Horn, Padden, Schoon, Smith, Wang, Wilson K, Wilson S, Winsley, Wolfe - 15.

Absent: Representatives Locke, Meyers R - 2.

Excused: Representative Todd - 1.

Substitute Senate Bill No. 6221 as amended by the House, having received the constitutional majority, was declared passed.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 90-4754, by Representatives O'Brien, Wineberry, Anderson, Jacobsen, Jesernig, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cocper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, G. Fisher, R. Fisher, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jones, J. King, P. King, R. King, Kirby, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, K. Wilson, S. Wilson, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, Hans Georg Dehmelt, Ph.D., is a Professor of Physics at the University of Washington, having joined the faculty in 1955; and

WHEREAS, Professor Dehmelt, born in Goerlitz, Germany, became a naturalized citizen of the United States in 1961; and

WHEREAS, He is a member of the Academy of Arts and Sciences, the National Academy of Sciences and the International Society of Magnetic Resonance; and

WHEREAS, Professor Dehmelt can claim among his honors both The Davison Germer Prize and The Count Rumford Medal; and

WHEREAS, The Nobel Prize Committee has awarded Hans Georg Dehmelt, Ph.D., the 1989 Nobel Prize in Physics; and

WHEREAS, Professor Dehmelt has ingeniously devised sensitive experimental equipment and techniques to make extremely precise measurements of fundamental atomic states; and

WHEREAS, He has done important research into the fundamental states and properties of atoms and electrons; and

WHEREAS, The Penning trap was developed by Professor Dehmelt to trap and hold a single electron so that it can be precisely studied; and

WHEREAS, He was the first to propose and to perform a direct visual demonstration of the quantum theory; and

WHEREAS, The results of his experiments provide stringent tests of theories at the basis of Physics;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives hereby recognizes and honors Hans Georg Dehmelt, Ph.D., for his commitment and contributions to the Science of Physics, his loyalty to the University of Washington, and his dedication as a teacher; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Hans G. Dehmelt, to his family and to William Gerberding, President of the University of Washington.

Mr. Anderson moved adoption of the resolution. Representatives Anderson and Wineberry spoke in favor of the resolution.

With consent of the House, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 90-4754 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) introduced the following guests of Dr. Hans Dehmelt, who were seated in the North Gallery: Ms. Mari Clack, Board of Regents; Mr. Andrew Smith, Board of Regents; Dr. Laurel Wilkening, Provost and Vice President, Academic Affairs; Dr. Joe Norman, Dean, College of Arts and Sciences; Dr. Mark McDermott, Chairman, Physics Department; Mr. Robert Edie, Director, Government Relations; and Ms. Sheral Burkey, Associate Director, Government Relations. The Speaker introduced Dr. Hans Dehmelt and his wife, Dr. Diana Dundore Dehmelt, who were seated on the rostrum.

REMARKS BY DR. HANS DEHMELT

Dr. Dehmelt: Mr. Speaker, ladies and gentlemen of the House of Representatives, Regents of the University of Washington, ladies and gentlemen:

I am truly grateful for the recognition shown me today by members of the government of my home state. In many respects this is the most important recognition I can get, because the State of Washington is where I live and work. Perhaps the prophet sometimes does count for something in his own country.

As the man who first devised a scheme to catch a single atom, immobilize it for hours and make it visible by illuminating it with laser beams in 1974, I naturally would like to tell you a little bit about it. I think it is a good example of how physics is done. As you know, the idea of the atom was dreamt up by the great Greek scholar Democritus about twenty-four centuries ago. Purely as speculation, he reasoned that, if one cuts a piece of, say, iron into smaller and smaller bits, one should eventually end up with tiny particles that would absolutely resist further cutting. No immediate applications were in sight. However, his enormously fruitful idea became one of the glories of classical Greek civilization.

Not that as late as 1900 he had convinced all the doubting Thomases; even then the physicist Ernst Mach, who originated the positivist school of philosophy and was revered by Einstein, steadfastly maintained that he could not accept atoms as real, because they would forever remain invisible to our eyes. Yet in 1979 my colleagues and I did indeed see an individual atom for the first time. I have brought with me a color photograph taken in my laboratory at the University of Washington, but cannot show it to you now.

There is more to the story. When my single atom proposal reached the military agency that had been supporting part of my work for many years, it so upset the gentlemen that they questioned my sanity and almost immediately cut off all support. Luckily, the University of Heidelberg came to my rescue. They invited me to initiate the proposed work in one of their laboratories, and the Humboldt Foundation awarded me one of their prizes to finance a sabbatical. So it came about that the first atom was not photographed in Seattle, but in Heidelberg.

Also, evidence is now accumulating that an individual charged atom at rest in free space is indeed the most stable clock yet conceived by man. Hopefully, that will open the eyes of those who see no value in basic ideas, but insist upon demonstrated technology. The widely held philosophy that the business of this country is business has served the United States exceedingly well in the past. By exploiting the intellectual capital accumulated in Europe over centuries, the United States has become unquestionable the richest country in the world in material goods. As we grow older as a country, an expansion of horizons might be called for. Perhaps, as it was fashionable in the Renaissance, business leaders will again surround themselves with artists and philosophers and, through generous support of their work, extend the lead of our country also into the intellectual, artistic and spiritual spheres.

At this point I should like to emphatically thank the representatives of state government for having maintained, without fail, conditions favorable for the conduct of first class research in physics. Without the past tireless efforts of enlightened governors and legislators on behalf of the university and schools, I would not have been able to find here the excellent undergraduate and graduate students who contributed much to my work leading up to the single atom.

I should like to close with a modest personal request. As long as nature permits me, I should like to continue working in the field of single atom physics that my research has opened up. However, I will reach the age of seventy on September 9, 1992. Mandatory retirement of professors is still in force in this state and may not be phased out before the end of 1993. Therefore, I should now like to petition the Legislature that I be exempted from this regulation and be put on the same footing as my colleagues, who reach the age of seventy only sixteen months after me.

Thank you for your attention.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

Representatives R. Meyers and Todd appeared at the bar of the House.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5594, by Committee on Health Care & Corrections (originally sponsored by Senators Nelson, West, Wojahn, Smith, Newhouse, Conner, Niemi and Sutherland)

Allowing prescriptions to be filled across state borders.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Braddock spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5594, and the bill passed the House by the following vote: Yeas, 96; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van

Luvén, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Locke - 1.

Substitute Senate Bill No. 5594, having received the constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5882, by Committee on Law & Justice (originally sponsored by Senator Nelson)

Establishing definitions and revising penalties for reckless, negligent, and inattentive driving.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5882, and the bill passed the House by the following vote: Yeas, 96; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvén, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Locke - 1.

Engrossed Second Substitute Senate Bill No. 5882, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Grant, Representative Locke was excused.

SENATE BILL NO. 6535, by Senators Lee and Smitherman

Revising provisions for private activity bond allocation ceilings.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. H. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6535, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvén, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Locke - 1.

Senate Bill No. 6535, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6560, by Committee on Transportation (originally sponsored by Senators Nelson, Madsen and Rasmussen; by request of Department of Licensing)

Strengthening odometer disclosure requirements.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 43rd Day, February 19, 1990.)

Ms. R. Fisher moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6560 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Loven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Locke - 1.

Substitute Senate Bill No. 6560 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6668, by Committee on Ways & Means (originally sponsored by Senators Newhouse, Talmadge, Patrick and von Reichbauer; by request of Department of Labor and Industries)

Amending crime victims' compensation provisions.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 50th Day, February 26, 1990.)

Mr. Grant moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6668 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van

Luvén, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Locke - 1.

Substitute Senate Bill No. 6668 as amended by the House, having received the constitutional majority, was declared passed.

Representative Locke appeared at the bar of the House.

MOTIONS

Mr. Ebersole moved that the House defer consideration of Senate Joint Memorial No. 8023 and that the memorial hold its place on the second reading calendar. The motion was carried.

Mr. Ebersole moved that the House immediately consider Engrossed Substitute Senate Bill No. 5206 on the second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5206, by Committee on Ways & Means (originally sponsored by Senators Gaspard and McDonald)

Changing provisions relating to the economic and revenue forecast council.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Pruitt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5206, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvén, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Substitute Senate Bill No. 5206, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5300, by Committee on Economic Development & Labor (originally sponsored by Senators Lee, Smitherman, Murray, West, Anderson, Johnson, Williams, Rasmussen and McMullen; by request of Department of Labor and Industries)

Updating references to women and minorities in apprenticeship programs statute.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 23, 1990.)

Ms. Cole moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Cole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5300 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell,

Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 5300 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Senate Joint Memorial No. 8023 on the second reading calendar. The motion was carried.

SENATE JOINT MEMORIAL NO. 8023, by Senators Amondson, Sutherland, Anderson, Barr, Murray, McMullen, von Reichbauer, Lee, Patterson, Johnson, Vognild, DeJarnatt, Patrick, Madsen, Bauer, Sellar, Smith, Saling, Owen, Stratton, West, Moore, Newhouse, Kreidler, McDonald, Warnke and Hayner

Pertaining to forest lands.

The memorial was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 23, 1990.)

Ms. Belcher moved adoption of the committee amendment.

Ms. Belcher moved adoption of the following amendment to the committee amendment:

On page 2, after line 23, strike all material through "Washington." on page 5, line 6, and insert the following:

"WHEREAS, The social and economic infrastructures of many rural counties and communities in Washington state are highly dependent on the forest products industry; and

WHEREAS, Recent reductions caused by competing interests over the use of forest land have created significant hardships on communities whose well-being currently depends on timber harvest; and

WHEREAS, The State of Washington is not prepared to accept that these communities must suffer economic and emotional hardships without redress; and

WHEREAS, Approximately 180,000 Washington citizens are directly or indirectly dependent on the forest products industry for their livelihoods, as the state's second largest employer; and

WHEREAS, Timber from federal forest lands has historically contributed more than twenty percent of the raw material for the state's forest products industry and, in many communities supply the majority of the raw material; and

WHEREAS, National Forest Management Act plans now being finalized for Washington national forests propose a twenty-eight percent reduction in harvest levels from the remaining national forest lands; and

WHEREAS, The reduction of available timber cannot be made up from the sale of additional timber above sustained yield levels from private lands and state trust lands; and

WHEREAS, The reduction in federal timber harvest will significantly reduce revenues to the state of Washington from virtually all of its major revenue sources: Sales taxes, business and occupation taxes, and timber harvest excise taxes, and will reduce revenues that support schools and county government from their share of federal stumpage receipts and reduces the property tax base; and

WHEREAS, Federal, not state, decisions have and will drastically affect the timber industry and associated jobs; and

WHEREAS, The United States Forest Service has been unable to ensure stability in timber supply or stable, long-term management of our nation's forests;

NOW, THEREFORE, Your Memorialists respectfully pray that:

(1) Congress devote its considerable resources to finding solutions to the problems created by the unresolved policy conflicts relating to primary and secondary uses of the national forests;

(2) Congress recognize the investment that communities have made based on the belief that the Forest Service lands will produce a relatively stable timber sales level and that deviations from historical sales levels can cause a community economic and social distress;

(3) Congress seek a mediated resolution of the conflicts surrounding the timber supply issue, including the capability of maintaining harvests at a level of 1.2 billion board feet, the

effect of threatened species, recreation, habitat, and other interests on maintaining the sustainable sales level, and the economic impacts of continued unrestricted log exports from nonfederal lands;

(4) Congress appropriate funds to assist local communities affected by the reduction in historic timber sales level to be used for economic diversification, modernizing mills, and encouragement of additional manufacturing in Washington;

(5) Congress enact incentives that will encourage rather than discourage investment in timber production on private lands; and

(6) Congress pursue trade policies designed to eliminate tariff and nontariff barriers that unfairly prohibit Washington lumber and wood products from competing in foreign markets.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George Bush, 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."

Representatives Belcher and Cole spoke in favor of adoption of the amendment to the committee amendment, and Representatives Raiter, Hargrove, Schoon and Jones spoke against it.

Mr. Crane demanded the previous question, and the demand was sustained.

The amendment to the committee amendment was not adopted.

The Clerk read the following amendments by Representatives Belcher, Sayan and R. Fisher to the committee amendment:

On page 4, line 5 of the committee striking amendment, after "forests;" insert the following: "WHEREAS, Washington will soon face a crisis in timber supply driven by the withdrawals of public timber from harvest, the conversion of private forest lands to nonforest uses and the continued exportation of timber from state lands; and

WHEREAS, The timber harvest from state managed forest lands is at near record levels and exports from these lands total more than sixty percent of the harvest volume; and

WHEREAS, Domestic processing of the timber exported from state managed lands would more than offset the projected loss of timber supply from Forest Service lands;"

On page 4, line 34 of the committee striking amendment, after "and" insert the following:

"(7) Congress enact legislation enabling each state to permit or deny the export of unprocessed logs harvested from state owned or managed lands based upon a finding that logs in the state are in short supply as determined by the Governor;"

Renumber the remaining subsection consecutively.

With consent of the House, Representative Belcher withdrew the amendments.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Raiter, Belcher, Beck and Brumsickle to the committee amendment:

On page 4, line 35 of the amendment, after "legislation" insert "specifically related to the timber industry"

Representatives Wang and Beck spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives Hargrove, Vekich and Schoon spoke in favor of passage of the memorial, and Ms. K. Wilson spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8023 as amended by the House, and the memorial passed the House by the following vote: Yeas, 70; nays, 27.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betzoff, Bowman, Braddock, Brooks, Brough, Brumsickle, Cantwell, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ferguson, Forner, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Holland, Horn, Inslee, Jesernig, Jones, Kirby, Kremen, Leonard, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nealey, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Silver, Smith, Sommers D. Spanel, Tate, Van Luven, Vekich, Walker, Wilson S. Winsley, Wolfe, Wood, Youngsman, Zellinsky - 70.

Voting nay: Representatives Anderson, Belcher, Brekke, Cole, Dellwo, Fisher G, Fisher R, Fraser, Heavey, Hine, Jacobsen, King P, King R, Locke, Nelson, Nutley, Phillips, Rust, Scott, Sommers H, Sprenkle, Todd, Valle, Wang, Wilson K, Wineberry, and Mr. Speaker - 27.

Senate Joint Memorial No. 8023 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5450, by Committee on Education (originally sponsored by Senators Talmadge, Moore, Murray and Bauer)

Providing for education in Pacific Rim languages.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 43rd Day, February 19, 1990.) Committee on Appropriations recommendation: Majority, do pass with amendments by Committee on Higher Education as amended by Committee on Appropriations. (For committee amendments, see Journal, 50th Day, February 26, 1990.)

Mr. Jacobsen moved adoption of the committee amendment by Committee on Higher Education.

Mr. Grant moved adoption of the committee amendments by Committee on Appropriations to the committee amendment by Committee on Higher Education. Mr. Grant spoke in favor of adoption of the committee amendments to the committee amendment, and they were adopted.

Representatives Jacobsen and Van Luven spoke in favor of the committee amendment by Committee on Higher Education as amended, and it was adopted.

With consent of the House, the committee amendment by Committee on Appropriations to the committee amendment by Committee on Higher Education to the title was adopted.

With consent of the House, the committee amendment by Committee on Higher Education as amended to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5450 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Substitute Senate Bill No. 5450 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5554, by Committee on Transportation (originally sponsored by Senators Patterson, Hansen, Madsen and Benitz; by request of Utilities and Transportation Commission)

Providing for testing of railroad track scales.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5554, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner,

Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 5554, having received the constitutional majority, was declared passed.

The Speaker called on Representative Wang to preside.

SUBSTITUTE SENATE BILL NO. 6182, by Committee on Governmental Operations (originally sponsored by Senators McCaslin, Madsen and Conner)

Clarifying provisions relating to fire protection district service charges.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

Mr. Cooper moved adoption of the committee amendments. Representatives Cooper and Ferguson spoke in favor of the committee amendments, and they were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6182 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 6182 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6195, by Committee on Environment & Natural Resources (originally sponsored by Senators Kreidler and Moore)

Prohibiting the use of live animals to train hunting, tracking or fighting animals.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

On motion of Ms. Rayburn, the committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Rayburn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6195 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 6195 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6216, by Committee on Ways & Means (originally sponsored by Senators Saling, Gaspard, Bauer, Patterson, Patrick, Conner and Rinehart; by request of State Board for Community College Education)

Creating the Washington community college exceptional faculty awards program.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Jacobsen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6216, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Second Substitute Senate Bill No. 6216, having received the constitutional majority, was declared passed.

MOTION

Mr. Heavey moved that the House defer consideration of Substitute Senate Bill No. 6247 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 6253, by Senators Patterson, McCaslin, Matson, Hayner, Amondson, Rasmussen and Barr

Providing a method to evaluate whether a "taking" has occurred.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 23, 1990.)

Mr. Crane moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

Mr. Hargrove moved adoption of the following amendments by Representatives Hargrove and Prince:

On page 2, line 3, after "state regulations," insert "or"

On page 2, line 2, after "legislation" strike everything through "statements" on line 4

On page 2, line 4, after "taking" strike everything through "property" on line 8

On page 3, line 1, after "Sec. 4," insert "(1)"

On page 3, line 8, before "Using" insert "(2)"

On page 3, line 14, strike "(1)" and insert "(a)"

On page 3, line 17, strike "(2)" and insert "(b)"

On page 3, line 20, strike "(3)" and insert "(c)"

On page 3, line 22, before "Prior" insert "(3)"

On page 3, line 25, beginning with "Any" strike everything through "purpose" on line 29 and insert "(4) Nothing in this act grants a private party the right to seek judicial relief requiring compliance with the provisions of this act"

Mr. Hargrove spoke in favor of adoption of the amendments, and they were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6253 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walker, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Fraser, Nelson, Rust, Wang, Wilson K - 5.

Senate Bill No. 6253 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6303, by Senators von Reichbauer, Bender, Thorsness, Murray and Talmadge

Enhancing pedestrian safety.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

On motion of Mr. R. Meyers, the committee amendments were adopted.

Mr. G. Fisher moved adoption of the following amendment:

On page 6, line 16, after "roadway," insert "Where sidewalks are provided but wheelchair access is not available, disabled persons who require such access may walk or otherwise move along and upon an adjacent roadway until they reach an access point in the sidewalk."

Mr. G. Fisher spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6303 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6303 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6305, by Committee on Higher Education (originally sponsored by Senators Saling, Vognild, Bauer, Stratton, Smitherman, Warnke, von Reichbauer and Moore)

Changing exemptions for tuition and services and activities fees.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Jacobsen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6305, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 6305, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6326, by Committee on Ways & Means (originally sponsored by Senator Owen)

Authorizing a southern Puget Sound water quality program.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6326, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 6326, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6330, by Committee on Energy & Utilities (originally sponsored by Senators Benitz and Rasmussen; by request of Attorney General)

Amending consumer protection provisions.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 23, 1990.)

Mr. Crane moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6330 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Substitute Senate Bill No. 6330 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6388, by Senators von Reichbauer, Moore, Johnson and Rasmussen; by request of Insurance Commissioner

Regarding the cancellation of insurance.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Dellwo spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Dellwo yielded to question by Mr. Zellinsky.

Mr. Zellinsky: Representative Dellwo, this bill allows an agent to try to place the policy with another company for a period of one year after the agent's termination. It also requires the company to pay the agent's commission for a one-year period. If the agent does not place the business elsewhere, what does the company do after the one-year period ends?

Mr. Dellwo: First of all, the company cannot cancel the policy solely because the agent was terminated, but can cancel or nonrenew if the insured no longer meets the company's underwriting standards. Second, if it is practical, the company must assign the policy to another one of its agents who is located reasonably near the insured. Third, if the assignment is not practical and the policyholder meets the underwriting criteria of the company, the company must find an alternative way to service the policyholder.

Ms. Winsley spoke in favor of passage of the bill

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6388, and the bill passed the House by the following vote: Yeas, 96; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Doty - 1.

Senate Bill No. 6388, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6389, by Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge and Newhouse)

Revising the Washington business corporations act.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6389, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Substitute Senate Bill No. 6389, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6390, by Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge and Newhouse)

Modifying marital deduction provisions regarding qualified domestic trusts.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6390, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 6390, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6391, by Senators Nelson, Talmadge and Newhouse

Correcting internal revenue code references in the estate and transfer tax statutes.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6391, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6391, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6392, by Senators Nelson, Talmadge and Newhouse

Amending requisites of wills.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6392, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6392, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6393, by Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge and Newhouse)

Exempting certain retirement benefits from execution, attachment, garnishment, or seizure.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6393, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 6393, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6394, by Senators Nelson, Talmadge and Newhouse

Modifying provisions regarding escheat property and small estates.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6394, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6394, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6395, by Committee on Law & Justice (originally sponsored by Senators Nelson, Talmadge and Newhouse)

Correcting obsolete inheritance tax references.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6395, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 6395, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6396, by Senators Nelson, Talmadge and Newhouse

Revising the deed of trust act.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6396, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolte, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6396, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6399, by Senators Barr, Hansen, Bluechel, Warnke, Johnson, Lee and Bailey

Requiring employer compliance with the office of support enforcement.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

Mr. Crane moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6399 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolte, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6399 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Ebersole, the House went at ease until 1:00 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 1:00 p.m.

MOTION

Mr. Ebersole moved that the House immediately consider Engrossed Substitute Senate Bill No. 6434 on the second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6434, by Committee on Transportation (originally sponsored by Senators Bender and Metcalf)

Enhancing bicycle safety.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 50th Day, February 26, 1990.)

Mr. Cooper moved adoption of the committee amendment.

Mr. Cooper moved adoption of the following amendment to the committee amendment:

On page 4, line 25, after "1993," insert "The standards shall not require edgestriping in any situation where the result would be a remaining lane width of eight feet, six inches."

Mr. Cooper spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

On motion of Mr. Cooper, the following amendment to the committee amendment was adopted:

On page 4, line 31, after "thousand," insert "Other jurisdictions which install edgestriping material shall do so in a manner not in conflict with the uniform state standard."

Ms. R. Fisher spoke in favor of the committee amendment as amended, and it was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. R. Fisher spoke in favor of passage of the bill, and Ms. Schmidt spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6434 as amended by the House, and the bill passed the House by the following vote: Yeas, 64; nays, 33.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Wang, Wilson K, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 64.

Voting nay: Representatives Ballard, Beck, Betzoff, Bowman, Brooks, Brough, Brumsickle, Doty, Ferguson, Forner, Fuhrman, Hankins, Haugen, Holland, Horn, Kirby, May, McLean, Miller, Moyer, Nealey, Padden, Prince, Schmidt, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Wolfe, Youngsman - 33.

Engrossed Substitute Senate Bill No. 6434 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6467, by Committee on Law & Justice (originally sponsored by Senators Talmadge, Nelson and Vognild)

Adding second degree arson as basis for first degree murder in certain cases.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6467, and the bill passed the House by the following vote: Yeas, 96; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner,

Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Silver - 1.

Substitute Senate Bill No. 6467, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote "Yes" on final passage of Substitute Senate Bill No. 6467.

JEAN SILVER, 5th District.

SENATE BILL NO. 6470, by Senators Williams, Lee and Rasmussen; by request of Department of Labor and Industries

Regarding construction lien laws.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6470, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6470, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6520, by Senators Lee, Talmadge, Anderson, Sutherland, Patrick, Thorsness, Barr, McMullen, Williams and Bauer

Giving the department of health responsibility for matters relating to nonionizing radiation.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nelson and Kremen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6520, and the bill passed the House by the following vote: Yeas, 92; nays, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, May, McLean, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Inslee, Locke, Meyers R, Wang, Youngsman - 5.

Senate Bill No. 6520, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Enactment of Senate Bill No. 6520 would not involve any shift of the regulatory responsibilities of the Department of Labor and Industries under federal and state occupational safety and health regulations. However, enactment of the bill would enable the Department of Health to provide better advice and assistance to the Department of Labor and Industries in any of the latter's regulatory responsibilities connected with nonionizing radiation.

SHIRLEY HANKINS, 8th District.

DICK NELSON, 32nd District.

MOTION

Mr. Ebersole moved that the House defer consideration of Senate Bill No. 6533 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 6559, by Senators Sellar, Kreidler and Metcalf; by request of Parks and Recreation Commission

Requiring reimbursement for state parks and recreation commission costs of plan review and construction approval for winter recreational facilities.

The bill was read the second time.

Mr. Beck moved adoption of the following amendment by Representatives Beck and Belcher:

On page 1, after line 23, insert the following:

"Sec. 2. Section 1, chapter 209, Laws of 1975 1st ex. sess. as amended by section 1, chapter 11, Laws of 1982 and RCW 43.51.290 are each amended to read as follows:

In addition to its other powers, duties, and functions the state parks and recreation commission may:

(1) Plan, construct, and maintain suitable facilities for winter recreational activities on lands administered or acquired by the commission or as authorized on lands administered by other public agencies or private landowners by agreement;

(2) Provide and issue upon payment of the proper fee, with the assistance of such authorized agents as may be necessary for the convenience of the public, a permit to park in designated winter recreational area parking spaces;

(3) Administer the snow removal operations for all designated winter recreational area parking spaces; and

(4) Compile, publish, and distribute maps indicating such parking spaces, adjacent trails, and areas and facilities suitable for winter recreational activities.

The commission may contract with any public or private agency for the actual conduct of such duties, but shall remain responsible for the proper administration thereof. The commission is not liable for unintentional injuries to users of lands administered for winter recreation purposes under this section or under RCW 46.10.210, whether the lands are administered by the commission, by other public agencies, or by private landowners through agreement with the commission. Nothing in this section prevents the liability of the commission for injuries sustained by a user by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted. A road covered with snow and groomed for the purposes of winter recreation consistent with this chapter and chapter 46.10 RCW shall not be presumed to be a known dangerous artificial latent condition for the purposes of this chapter.

Sec. 3. Section 8, chapter 327, Laws of 1959 and RCW 70.88.080 are each amended to read as follows:

Inspections, rules, and orders of the ((department)) state parks and recreation commission resulting from the exercise of the provisions of this chapter, as well as under RCW 70.88.020, shall not in any manner be deemed to impose liability upon the state for any injury or damage resulting from the operation of the facilities regulated by this chapter, and all actions of the ((department)) state parks and recreation commission and its personnel shall be deemed to be an exercise of the police power of the state."

Representatives Beck and K. Wilson spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives Beck and Belcher to the title was adopted:

On page 1, line 3 of the title, after "RCW 70.88.070" insert ", 43.51.290, and 70.88.080"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Beck spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6559 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6559 as amended by the House, having received the constitutional majority, was declared passed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced that the House would immediately consider Senate Bill No. 6533 on the second reading calendar.

SENATE BILL NO. 6533, by Senators Owen, Craswell, Bauer, Gaspard, Bailey and Stratton

Changing provisions relating to school suspension.

The bill was read the second time.

Mr. Schoon moved adoption of the following amendment by Representatives Schoon and Wineberry:

On page 1, line 11, after "suspension" insert ", unless the cost for counseling or other treatment services will place an undue financial burden on the student's family"

Mr. Schoon spoke in favor of adoption of the amendment, and Representatives Peery, Wineberry and Betzoff spoke against it. Mr. Schoon again spoke in favor of the amendment.

The amendment was not adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6533, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6533, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6571, by Senators Newhouse and Rinehart

Revising provisions for interpreters in legal proceedings.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

On motion of Mr. Crane, the committee amendment was adopted.

With consent of the House, the committee amendments to the title were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6571 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Locke, Spanel - 2.

Senate Bill No. 6571 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker called on Representative Heavey to preside.

MOTION

Mr. Ebersole moved that the House immediately consider Senate Bill No. 6292 on the second reading calendar. The motion was carried.

SENATE BILL NO. 6292, by Senators Hansen and Rasmussen

Making owners of mosquito infested land responsible for their control.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6292, and the bill passed the House by the following vote: Yeas, 92; nays, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Belcher, Cooper, Myers H, Raiter, Wilson K - 5.

Senate Bill No. 6292, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 1990

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6841,
 HOUSE BILL NO. 2288,
 SUBSTITUTE HOUSE BILL NO. 2385,
 HOUSE BILL NO. 2445,
 ENGROSSED HOUSE BILL NO. 2714,
 SUBSTITUTE HOUSE BILL NO. 2858,
 HOUSE JOINT MEMORIAL NO. 4030,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Ebersole moved that the House immediately consider Senate Bill No. 6408 on the second reading calendar. The motion was carried.

SENATE BILL NO. 6408, by Senators Patterson, Bender, Thorsness, Hansen and Talmadge; by request of Governor

Adopting the supplemental transportation budget.

The bill was read the second time.

Ms. R. Fisher moved adoption of the following amendments:

On page 3, line 30, after "By" strike "June 30, 1990" and insert "~~(June 30, 1990)~~ January 10, 1991"

On page 6, beginning on line 5, strike all of section 8
 Renumber the remaining sections consecutively.

Representatives R. Fisher and Schmidt spoke in favor of adoption of the amendments, and they were adopted.

MOTION

Mr. Ebersole moved that the House defer further consideration of Senate Bill No. 6408 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 6897, by Senators Patterson, Bender and Murray

Funding a headquarters facility for the department of transportation.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6897, and the bill passed the House by the following vote: Yeas, 92; nays, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Beck, Ferguson, May, Nelson, Van Luven - 5.

Senate Bill No. 6897, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6904, by Senators Newhouse, Benitz, Warnke, Smitherman, Stratton, Wojahn, Bender, Sutherland, Vognild, Rasmussen, Talmadge, Fleming, Conner, Patrick, Murray, Madsen, Moore, McMullen, Hayner, Anderson, Cantu and Gaspard

Providing local government fiscal assistance.

The bill was read the second time.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Haugen and Braddock:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that there exists in the state of Washington a critical need to examine, plan, and finance criminal justice activities. It is the policy of the state of Washington to encourage self-reliance by cities, towns, and counties in meeting their local government responsibilities. However, local criminal justice needs have accelerated to such an extent that many local governments cannot continue to meet the challenges of crime. It is the policy of the state of Washington to assist cities, towns, and counties in meeting these financial needs while promoting and encouraging local solutions, improved management, coordination, and planning of criminal justice activities.

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

- (1) 'Board' means the local justice assistance board created under this chapter.
- (2) 'Local governments' means cities, towns, and counties.
- (3) 'Criminal justice activities' means all activities including operational and capital expenditures of superior, district, and municipal courts, jails or corrections, law enforcement, indigent defense, prosecution, probation, and community service.
- (4) 'Grants-in-aid' means moneys applied for by cities, towns, and counties and approved by the local justice assistance board based on criteria specified in this chapter.
- (5) 'Formula financing' means moneys distributed by formula, to counties based on criteria and approved by the local justice assistance board.

NEW SECTION, Sec. 3. (1) The local justice assistance board is created, composed of seventeen members as follows:

- (a) The director of the department of community development or the director's designee;
 - (b) The director of financial management or the director's designee;
 - (c) The chief of the state patrol or the chief's designee;
 - (d) Four representatives of cities and towns, appointed by the governor from a list of at least eight persons nominated by the association of Washington cities;
 - (e) Four representatives of counties, appointed by the governor from a list of at least eight persons nominated by the Washington state association of counties;
 - (f) One representative of sheriffs and police chiefs, appointed by the governor from a list of at least two persons nominated by the Washington association of sheriffs and police chiefs;
 - (g) One representative of prosecutors, appointed by the governor from a list of at least two persons nominated by the Washington association of prosecutors;
 - (h) Two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives; and
 - (i) Two members of the senate, one from each of the two largest caucuses, appointed by the president of the senate.
- (2) If a legislator would be ineligible for appointment to the board as a voting member under the state Constitution, that legislator shall be a nonvoting member of the board during the period of such ineligibility.

(3) Legislative members of the board and persons who are board members by virtue of holding a state office shall serve until their successors are appointed and qualified. Members of the board appointed by the governor shall serve six-year terms. Vacancies on the board shall be filled by appointment by the original appointing authority under this section. The board shall elect a chairperson from among its members.

(4) Board members shall receive no compensation, but shall be reimbursed as provided in RCW 43.03.050, 43.03.060, and 44.04.120.

NEW SECTION, Sec. 4. The director of the department of community development shall provide administrative and staff support for the board.

NEW SECTION, Sec. 5. The board may:

- (1) Accept from any state or federal agency, grants or other moneys for the planning or financing of criminal justice activities and enter into agreements with any such agency concerning grants or other moneys;
- (2) Provide technical assistance to local governments, including (a) training and other services to assist them in planning, applying, and qualifying for funding for criminal justice activities; and (b) assistance to improve local management, coordination, and delivery of criminal justice services;

(3) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions that are not in conflict with this chapter:

(4) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter:

(5) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

NEW SECTION, Sec. 6. (1) The board shall adopt a formula financing methodology for funding county criminal justice activities. The formula is to be developed in a manner that provides resources to those counties most affected by extraordinary crime trends, and that encourages management efficiencies. In developing the formula, the board shall consider appropriate criteria that may include, but are not limited to:

(a) Reported crime;

(b) Bookings, filings, trials, convictions, and commitments;

(c) Releases, parole, and probation;

(d) Costs of financing indigent defense;

(e) Population factors; and

(f) Measures of fiscal capacity, including per capita assessed valuation, per capita excise tax data, other tax base indicators, rates of taxation, and other relevant revenue information.

(2) The specific data elements and methodology for formula financing of criminal justice activities and the resulting distribution shall be presented to the fiscal committees of the legislature by September 1, 1990, and each September 1st thereafter. The board may revise the formula after consulting with the fiscal committees. The board shall distribute moneys under the formula as soon as practical, but not earlier than thirty days after submitting the formula to the fiscal committees.

NEW SECTION, Sec. 7. (1) The board shall develop a methodology to distribute grants-in-aid for local government criminal justice activities. The purpose of the grants-in-aid program is to provide ongoing assistance to reduce specific categories of crime that are causing significant effects on the local criminal justice system. The objective of all grant-in-aid awards shall be to achieve a reduction of a specific crime rate unless an applicant documents that a specific crime reduction target is not appropriate for the proposed strategy and proposes a substitute objective acceptable to the board.

(2) The board shall develop criteria for awarding grants with specific weightings given for projects that:

(a) Encourage management efficiencies, interlocal agreements, mutual assistance, or other agreements and policy coordination; and

(b) Provide resources to geographic areas with high incidence of crime or unusual problems with extraordinary crime.

(3) The board shall establish a policy as to the number of succeeding awards that may be made to a qualifying local government in order that specific crime reduction goals may be met in keeping with a strategy proposed by an applicant. The board shall establish policies that require local matching rates that may increase in succeeding award periods. The board may provide for exemptions from matching requirements for those jurisdictions that it determines are economically distressed for the purposes of chapter 82.60 RCW.

NEW SECTION, Sec. 8. (1) The board shall develop a methodology and process for distributing emergency grants-in-aid for local government criminal justice activities. The board shall identify drug crime impact areas for the purpose of expedited awards of moneys in order to meet the current crisis that is threatening public safety and the credibility of the local government criminal justice system. 'Drug crime impact areas' means those local governments that are experiencing recent significant increases in criminal justice costs and activities related to drug crimes. If any awards for jail construction are awarded under this section, the conditions in section 13 (1) and (2) of this act shall apply.

(2) The board shall award these emergency grants-in-aid no later than August 1, 1990. Any portion of the amounts appropriated for this purpose not awarded by August 1, 1990, shall be transferred by the board to the grants-in-aid program under section 7 of this act. Matching requirements shall not be required by the board for receipt of moneys under this section. Grants under this section shall not be made after August 1, 1990.

NEW SECTION, Sec. 9. The board shall keep proper records of accounts and shall be subject to audit by the state auditor. The board may request information of the state auditor as to audits of local governments receiving any moneys under this chapter.

NEW SECTION, Sec. 10. (1) On or before January 1st of each year, the board shall prepare a report on the status of criminal justice in the state of Washington. Such report may include policy recommendations to the legislature for dealing with criminal justice issues and problems.

(2) The board may conduct studies and research into criminal policies and practices as identified by the board. In conducting studies and research, the board may request assistance from the office of financial management, department of corrections, state patrol, sentencing guidelines commission, or other appropriate state, local, or federal agency or private source.

(3) The board may develop a library of materials on trends and techniques in dealing with local government criminal justice problems and issues that may be used by interested parties.

NEW SECTION, Sec. 11. (1) The criminal justice assistance account is hereby created in the state treasury. Except for unanticipated receipts under chapter 43.79 RCW, moneys in the account may be spent only after appropriation by statute. Expenditures from the account may be used only for the purposes of sections 6 through 8 of this act.

(2) On July 1, 1990, the state treasurer shall transfer twenty million dollars from the general fund to the criminal justice assistance account. On July 1, 1991, and each July 1st thereafter, the state treasurer shall transfer from the general fund to the criminal justice assistance account an amount equal to fifteen million dollars multiplied by a fraction. The numerator of the fraction is estimated state personal income for the fiscal year beginning on the date of the transfer. The denominator of the fraction is estimated state personal income for the fiscal year beginning July 1, 1990. State personal income estimates from the most recent official forecast under RCW 82.01.120 shall be used for purposes of this section. Once a transfer is made under this section, the amount of that transfer shall not be recalculated based on subsequent revisions of state personal income estimates.

NEW SECTION, Sec. 12. (1) Ten million dollars, or as much thereof as may be necessary, is appropriated from the criminal justice assistance account to the department of community development for the fiscal biennium ending June 30, 1991, for the purpose of distributions under section 6 of this act.

(2) Five million dollars, or as much thereof as may be necessary, is appropriated from the criminal justice assistance account to the department of community development for the fiscal biennium ending June 30, 1991, for the purpose of distributions under section 7 of this act.

(3) Five million dollars, or as much thereof as may be necessary, is appropriated from the criminal justice assistance account to the department of community development for the fiscal biennium ending June 30, 1991, for the purpose of distributions under section 8 of this act.

(4) Two hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of community development for the fiscal biennium ending June 30, 1991, for the purpose of administering sections 1 through 11 of this act.

NEW SECTION, Sec. 13. The sum of fourteen million four hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the state building and construction account to the local justice assistance board for the biennium ending June 30, 1991, for the purpose of providing grants to local governments for construction and expansion of jail facilities. The appropriation in this section is subject to the following conditions and limitations:

(1) Before receiving a grant, an applicant shall demonstrate an ability to complete the construction or expansion of the jail facility:

(2) The grants shall not exceed an amount equivalent to sixty-six percent of the cost per bed, up to a maximum of twelve thousand dollars per bed, created or added to a jail facility;

(3) The office of financial management shall develop eligibility criteria for grants. The intent of the criteria is to award grants based on highest need. The criteria shall include, among other things determined by the office, a requirement for a jail management plan to reduce the local jail inmate population;

(4) The office of financial management may create a local advisory committee to develop the criteria for selection of projects for funding under this section. The advisory committee shall consist of representatives of law enforcement, jail administrators, prosecutors, judges, the department of corrections, the office of financial management, and other officials as deemed appropriate by the office.

Sec. 14. Section 21, chapter 49, Laws of 1982 1st ex. sess. as last amended by section 82, chapter 57, Laws of 1985 and RCW 82.14.200 are each amended to read as follows:

There is created in the state treasury a special account to be known as the 'county sales and use tax equalization account.' Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.150(2). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for the unincorporated area of each county and the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, ~~((as now or hereafter amended:))~~ the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than one hundred fifty thousand dollars from the tax for the previous calendar year, an amount from the county sales and use tax equalization account sufficient, when added to the amount of revenues received the previous calendar year by the county, to equal one hundred fifty thousand dollars.

The department of revenue shall establish a governmental price index as provided in this subsection. The base year for the index shall be the end of the third quarter of 1982. Prior to November 1, 1983, and prior to each November 1st thereafter, the department of revenue shall

establish another index figure for the third quarter of that year. The department of revenue may use the implicit price deflators for state and local government purchases of goods and services calculated by the United States department of commerce to establish the governmental price index. Beginning on January 1, 1984, and each January 1st thereafter, the one hundred fifty thousand dollar base figure in this subsection shall be adjusted in direct proportion to the percentage change in the governmental price index from 1982 until the year before the adjustment. Distributions made under this subsection for 1984 and thereafter shall use this adjusted base amount figure.

(3) Subsequent to the distributions under subsection (2) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties as determined by the department of revenue under subsection (1) of this section, an amount from the county sales and use tax equalization account sufficient, when added to the per capita level of revenues for the unincorporated area received the previous calendar year by the county, to equal seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties determined under subsection (1) of this section, subject to reduction under subsections (6) and (7) of this section. When computing distributions under this section, any distribution under subsection (2) of this section shall be considered revenues received from the tax imposed under RCW 82.14.030(1) for the previous calendar year.

(4) Subsequent to the distributions under subsection (3) of this section and at such times as distributions are made under RCW 82.44.150, ~~((as now or hereafter amended;))~~ the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (2) of this section, a third distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (2) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the total distribution under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) Subsequent to the distributions under subsection (4) of this section and at such times as distributions are made under RCW 82.44.150, ~~((as now or hereafter amended;))~~ the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a fourth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (3) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the distributions under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

~~(6) (Revenues distributed under this section in any calendar year shall not exceed an amount equal to seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties during the previous calendar year. If distributions under subsections (3) through (5) of this section cannot be made because of this limitation, then distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties.) Subsequent to distributions under subsection (5) of this section and at such times as distributions are made under RCW 82.44.150, the department of revenue shall apportion and the state treasurer shall distribute to each fourth through ninth class county a fifth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be one hundred thousand dollars or an amount that when added to the distribution under subsection (2) of this section and the previous year's distribution under RCW 82.14.030(1) equals three hundred seventy-five thousand dollars, whichever is greater.~~

(7) Beginning on January 1, 1992, and each January 1st thereafter, the one hundred thousand dollars and three hundred seventy-five thousand dollars in subsection (6) of this section shall be adjusted by the same percentage calculated under subsection (2) of this section.

~~((7))~~ (8) If inadequate revenues exist in the county sales and use tax equalization account to make the distributions under subsections (3) through ~~((6))~~ (6) of this section, then the distributions under subsections (3) through ~~((6))~~ (6) of this section shall be reduced ratably among the qualifying counties. At such time during the year as additional funds accrue to the county sales and use tax equalization account, additional distributions shall be made under subsections (3) through ~~((6))~~ (6) of this section to the counties.

~~((8))~~ (9) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through ~~((6))~~ (6)

of this section, then the additional revenues shall be credited and transferred to the state general fund.

~~((9))~~ (10) All earnings of investments of balances in the county sales and use tax equalization account shall be credited to the general fund.

Sec. 15, Section 22, chapter 49, Laws of 1982 1st ex. sess. as last amended by section 83, chapter 57, Laws of 1985 and RCW 82.14.210 are each amended to read as follows:

There is created in the state treasury a special account to be known as the 'municipal sales and use tax equalization account.' Into this account shall be placed such revenues as are provided under RCW 82.44.150(3)(b). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for each city and the state-wide weighted average per capita level of revenues for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city not imposing the sales and use tax under RCW 82.14.030(2) an amount from the municipal sales and use tax equalization account equal to the amount distributed to the city under RCW 82.44.150(3)(a) multiplied by thirty-five sixty-fifths.

(3) Subsequent to the distributions under subsection (2) of this section, and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for all cities as determined by the department of revenue under subsection (1) of this section, an amount from the municipal sales and use tax equalization account sufficient, when added to the per capita level of revenues received the previous calendar year by the city, to equal seventy percent of the state-wide weighted average per capita level of revenues for all cities determined under subsection (1) of this section, subject to reduction under subsection (5) of this section.

(4) Subsequent to the distributions under subsection (3) of this section, and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a third distribution from the municipal sales and use tax equalization account. The distribution to each qualifying city shall be equal to the distribution to the city under subsection (3) of this section, subject to the reduction under subsection (5) of this section. To qualify for the distributions under this subsection, the city must impose the tax under RCW 82.14.030(2) for the entire calendar year. Cities imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) If inadequate revenues exist in the municipal sales and use tax equalization account to make the distributions under subsection (3) or (4) of this section, then the distributions under subsection (3) or (4) of this section shall be reduced ratably among the qualifying cities. At such time during the year as additional funds accrue to the municipal sales and use tax equalization account, additional distributions shall be made under subsections (3) and (4) of this section to the cities.

(6) If the level of revenues in the municipal sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (4) of this section, then the additional revenues shall be apportioned among the several cities within the state ratably on the basis of population as last determined by the office of financial management: PROVIDED, That no such distribution shall be made to those cities receiving a distribution under subsection (2) of this section.

(7) The municipal targeted fiscal assistance account is created in the state treasury. Into this account shall be placed such revenues as are provided under RCW 82.44.150(2)(b).

(8) Prior to January 1, 1991, and each January 1st thereafter, the department of revenue shall determine which cities and towns will receive distributions from the municipal targeted fiscal assistance account. Cities and towns shall be eligible to receive distributions from this account if the following conditions are met:

(a) They are receiving a distribution under subsection (3) of this section; and

(b) They have a per capita assessed valuation of property that is at or below seventy percent of the state-wide average per capita assessed valuation of property for all cities.

(9) Beginning January 1, 1991, and each January 1st thereafter, at the same time as distributions are made under RCW 82.44.150, the department of revenue shall apportion and the state treasurer shall distribute to each city and town eligible under subsection (8) of this section an amount which when added to the per capita level of revenues received from the distributions under RCW 82.14.030(1) the previous calendar year and from the current year's distributions under subsection (3) of this section equals seventy-five percent of the state-wide average per capita level of revenues for all cities and towns as determined under RCW 82.14.210(1). The minimum payment under this subsection shall be five hundred dollars in any calendar year.

The maximum payment under this subsection shall be twenty-six thousand dollars in any calendar year.

(10) Subsequent to the distributions under subsection (9) of this section and at such times as distributions are made under RCW 82.44.150, the department of revenue shall apportion and the state treasurer shall distribute to each city and town imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate during the full previous calendar year and receiving a distribution under subsection (9) of this section a second distribution from the municipal targeted fiscal assistance account. The distribution to each qualifying city or town shall be equal to the distribution to the city or town under subsection (9) of this section. Cities imposing the tax for less than the full calendar year shall qualify for prorated allocation under this subsection proportionate to the number of months of the year during which the tax was imposed.

(11) If inadequate revenues exist in the municipal targeted fiscal assistance account to make the distributions under subsections (9) and (10) of this section, the distributions under subsection (10) of this section shall be ratably reduced to the qualifying cities and towns. If inadequate revenues still exist then the distributions under subsection (9) of this section shall be ratably reduced.

(12) If the level of revenues in the municipal targeted fiscal assistance account exceeds the amount necessary to make the distributions under this section, then the additional revenues shall be credited and transferred to the state general fund.

(13) For a city or town initially incorporated on or after January 1, 1983, at the time distributions are made under subsection (3) of this section, the state treasurer shall place into a separate designated account for such city or town a pro rata amount of the revenues received under RCW 82.44.150(3)(b) equal to the city's or town's population multiplied by the amount of equalization funds to which the city or town would be entitled if its per capita yield the previous calendar year were zero. Such account shall take effect on January 1st of the first full calendar year during which the city or town imposes the taxes authorized by RCW 82.14.030(1) and shall cease to exist on December 31st of that year.

~~((9) All earnings of investments of balances in the municipal sales and use tax equalization account shall be credited to the general fund.))~~

(14) At the time that sales and use tax distributions are made pursuant to RCW 82.14.060, the revenues in such designated account shall be added to the city's or town's sales and use tax distributions so as to provide to such city or town an amount which reflects what such jurisdiction's entitlement from the municipal sales and use tax equalization account would have been if the actual distributions of sales and use tax revenues to such city or town had been received the previous full calendar year. Any excess revenues remaining in such designated account upon its expiration shall be apportioned according to subsection (6) of this section. If the department of revenue determines during the year that any funds in the designated account are not necessary for the purposes of distribution under this subsection, the department may deposit those funds in the municipal sales and use tax equalization account to be apportioned according to subsection (6) of this section.

(15) All earnings of investments of balances in the municipal sales and use tax equalization account shall be credited to the general fund.

Sec. 16. Section 1, chapter 18, Laws of 1988 and RCW 82.44.150 are each amended to read as follows:

(1) The director of licensing shall on the twenty-fifth day of February, May, August, and November of each year, commencing with November, 1971, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department of licensing during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.020(6) and 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(6) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department of licensing shall make the following apportionment and distribution of motor vehicle excise taxes deposited in the general fund except taxes collected under RCW 82.44.020(6)((:)):

(a) A sum equal to seventeen percent thereof shall be ~~((paid))~~ distributed to cities and towns ~~((in the proportions and for the purposes hereinafter set forth))~~ as provided in subsections (3) and (4) of this section;

(b) A sum equal to one-half of one percent shall be distributed to the municipal targeted fiscal assistance account created under RCW 82.14.210(7);

(c) A sum equal to ((two)) three percent thereof shall be ((allocable)) distributed to the county sales and use tax equalization account under RCW 82.14.200; and

(d) A sum equal to four and two-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax at a rate not exceeding ninety-six one-hundredths of one percent on the fair market value of every motor vehicle owned by a resident of such municipality shall be deposited in the rail development account established in RCW 47.78.010.

(3) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state according to the following formula:

(a) Sixty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned ratably on the basis of population as last determined by the office of financial management.

(b) Thirty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned to cities and towns under RCW 82.14.210.

(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

(5) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department of licensing, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(6) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (5) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (5) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (5) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(7) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(8) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (5) of this section.

Sec. 17. Section 6, chapter 94, Laws of 1970 ex. sess. as last amended by section 81, chapter 57, Laws of 1985 and RCW 82.14.050 are each amended to read as follows:

The counties, metropolitan municipal corporations and cities shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and

collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, metropolitan municipal corporations, and cities imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. All earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, metropolitan municipal corporations, and cities monthly.

Sec. 18. Section 7, chapter 94, Laws of 1970 ex. sess. as last amended by section 11, chapter 4, Laws of 1981 2nd ex. sess. and RCW 82.14.060 are each amended to read as follows:

~~((Bimonthly))~~ Monthly the state treasurer shall make distribution from the local sales and use tax account to the counties, metropolitan municipal corporations and cities the amount of tax collected on behalf of each county, metropolitan municipal corporation or city, less the deduction provided for in RCW 82.14.050. The state treasurer shall make the distribution under this section without appropriation.

In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

NEW SECTION. Sec. 19. Sections 17 and 18 of this act shall not be effective for earnings on balances prior to July 1, 1990, regardless of when a distribution is made.

Sec. 20. Section 11, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.010 are each amended to read as follows:

(1) ~~((Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess.))~~ The governing body of any county or any city may impose an excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price.

(2) ~~((Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess., in lieu of imposing the tax authorized in RCW 82.14.030(2).))~~ The governing body of any county or any city may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-half of one percent of the selling price.

(3) Taxes imposed under this section shall be collected from persons who are taxable by the state under chapter 82.45 RCW upon the occurrence of any taxable event within the unincorporated areas of the county or within the corporate limits of the city, as the case may be.

(4) Taxes imposed under this section shall comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

(5) As used in this section, 'city' means any city or town.

NEW SECTION. Sec. 21. A new section is added to chapter 41.26 RCW to read as follows:

(1) For taxes levied for collection in 1991 through 2021 only, the legislative authority of any county may levy an annual property tax of three cents per thousand dollars of assessed valuation of the property in the taxing district for the purpose of paying for disability benefits under RCW 41.26.150 including, but not limited to, medical benefits, nursing home benefits, congregate care benefits, or any related health benefits.

(2) The receipts from the tax imposed under this section shall be distributed as follows:

(a) Each city or town located within the county that is obligated to pay disability benefits under RCW 41.26.150 shall receive a portion of these tax receipts equal to the total receipts for the county under this section, multiplied by a fraction. The numerator of the fraction is the number of persons for whom the city or town is obligated to pay such benefits. The denominator of the fraction is the total number of persons eligible to receive such benefits in the county.

(b) The county shall retain the remainder of the receipts under this section.

(3) The receipts from tax under this section, and any interest earnings from these tax receipts, shall be used exclusively to pay for disability benefits under RCW 41.26.150.

(4) This section shall expire December 31, 2021.

Sec. 22. Section 134, chapter 195, Laws of 1973 1st ex. sess. as last amended by section 36, chapter 378, Laws of 1989 and RCW 84.52.043 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of

revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and ~~((thirty-seven and one-half))~~ sixty cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) Except as provided in RCW 84.52.100, the aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and fifty-five cents per thousand dollars of assessed valuation. The term 'junior taxing districts' includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; ~~((and))~~ (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; and (e) levies for medical services and related health care as provided under section 21 of this act.

Sec. 23. Section 6, chapter 91, Laws of 1947 as last amended by section 2, chapter 319, Laws of 1987 and RCW 41.16.060 are each amended to read as follows:

It shall be the duty of the legislative authority of each municipality, each year ~~((as a part of its annual tax levy, to levy and place in))~~ to transfer into the fund ((a tax of)) an amount of money equal to twenty-two and one-half cents per thousand dollars of the municipality's assessed value ((against all the taxable property of such municipality: PROVIDED, That)). However, if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of ((said dollar rate)) this amount of money is not necessary to maintain the actuarial soundness of the fund, the ((levy of said twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of said dollar rate may be levied and used for any other municipal purpose)) municipality need transfer to the fund only the amount that the actuary finds is necessary to maintain the actuarial soundness of the fund.

Further, it shall be the duty of the legislative authority of each municipality, each year ~~((as a part of its annual tax levy and in addition to the city levy limit set forth in RCW 84.52.043, to levy and place in))~~ to transfer an additional amount of money into the fund ((an additional tax)) of up to an amount equal to twenty-two and one-half cents per thousand dollars of the municipality's assessed value ((against all taxable property of such municipality: PROVIDED, That)) if a report by a qualified actuary establishes that ((all or any part of the additional twenty-two and one-half cents per thousand dollars of assessed value levy is unnecessary)) such moneys are necessary to meet the estimated demands on the fund under this chapter for the ensuing budget year ~~((the levy of said additional twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of such dollar rate may be levied and used for any other municipal purpose: PROVIDED FURTHER, That cities that have annexed to library districts according to RCW 27.12.360 through 27.12.395 and/or fire protection districts according to RCW 52.04.061 through 52.04.081 shall not levy this additional tax to the extent that it causes the combined levies to exceed the statutory or constitutional limits.~~

The amount of a levy under this section allocated to the pension fund may be reduced in the same proportion as the regular property tax levy of the municipality is reduced by chapter 84.55 RCW).

Sec. 24. Section 5, chapter 91, Laws of 1947 as last amended by section 3, chapter 296, Laws of 1986 and RCW 41.16.050 are each amended to read as follows:

There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the firemen's pension fund, which shall consist of: (1) All bequests, fees, gifts, emoluments or donations given or paid thereto; (2) ~~((forty-five percent of all moneys received))~~ contributions made by the state from taxes on fire insurance premiums; (3) taxes paid pursuant to the provisions of RCW 41.16.060; (4) interest on the investments of the fund; and (5) contributions by firemen as provided for herein.

Forty-five percent of the moneys received by the state from the insurance premiums tax on fire insurance premiums ((under the provisions of this chapter)) shall be distributed to cities, towns, and fire protection districts in the proportion that the number of ((paid)) retired firemen and widows or widowers in the city, town or fire protection district bears to the total number of paid firemen throughout the state to be ascertained in the following manner: The secretary of the firemen's pension board of each city, town and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after June 7, 1961, and on or before the fifteenth day of January thereafter, certify to the state treasurer the number of ((paid)) firemen ((in the fire department in)) and former firemen who are eligible for benefits under chapter 41.16 or 41.18 RCW from such city, town or fire protection district together with

the number of their widows and widowers who are eligible for such pension benefits and the number of former pension system members whose interests are being distributed to children of such members. The state treasurer shall on or before the first day of June of each year deliver to the treasurer of each city, town and fire protection district coming under the provisions of this chapter his warrant, payable to each city, town or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town or fire protection district shall place the amount thereof to the credit of the firemen's pension fund of such city, town or fire protection district.

Annually, on or before the first day of September, any money remaining in the firemen's pension fund of a city, town, or fire protection district, that was obtained from distributions of the state insurance premiums tax on fire insurance premiums, shall be transferred to the state treasurer if no persons are eligible for pension benefits under chapter 41.16 or 41.18 RCW. The money so transferred to the state treasurer shall be distributed to cities, towns, and fire protection districts by the state treasurer, in the same manner as fire insurance premium tax receipts are distributed, when the next distribution of such fire insurance premium tax receipts is made.

NEW SECTION, Sec. 25. A new section is added to chapter 41.16 RCW to read as follows:

On or before the first day of November of each year, each municipality that has a pension system created under this chapter shall provide to the state actuary such information as the state actuary needs to analyze the fiscal condition of the retirement system.

NEW SECTION, Sec. 26. A new section is added to chapter 41.18 RCW to read as follows:

On or before the first day of November of each even-numbered year, each municipality that has a pension system created under this chapter shall provide to the state actuary such available information, including actuarial reports, as the state actuary needs to review the fiscal condition of the retirement system.

NEW SECTION, Sec. 27. A new section is added to chapter 44.44 RCW to read as follows:

The state actuary shall submit a report to the legislature on or before the first day of January of each odd-numbered year reviewing the fiscal condition of the retirement systems reported under sections 25 and 26 of this act.

NEW SECTION, Sec. 28. A new section is added to Title 36 RCW to read as follows:

(1) The legislative authority of a county may impose a tax on employers in the unincorporated area of the county for the privilege of doing business. The following conditions shall apply:

(a) The tax shall be measured by the number of employees.

(b) The tax may be imposed by ordinance. The ordinance may provide exemptions for classes of employers, including but not limited to nonprofit organizations and government agencies.

(c) The tax shall not be measured by the gross receipts of the business.

(d) The tax shall not exceed five dollars per month per employee.

(e) Only one county can impose a tax in respect to each employee, regardless of the number of counties in which an employer does business. The department of revenue shall adopt rules for allocation of tax between counties under this section. No county may impose taxes in a manner inconsistent with department rules.

(2) Revenues derived from the imposition of the tax authorized under subsection (1) of this section may be used for any legal purpose.

Sec. 29. Section 1, chapter 342, Laws of 1989 and RCW 36.18.020 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of seventy-eight dollars except in proceedings filed under RCW 26.50.030 or 49.60.227 where the petitioner shall pay a filing fee of twenty dollars, or an unlawful detainer action under chapter 59.18 or 59.20 RCW where the plaintiff shall pay a filing fee of thirty dollars. If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay, prior to proceeding with the unlawful detainer action, an additional forty-eight dollars which shall be considered part of the filing fee. The thirty dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(2) Any party, except a defendant in a criminal case, filing the first or initial paper on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when said paper is filed, a fee of seventy-eight dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing, a fee of ~~((fifteen))~~ twenty dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of ~~((five))~~ twenty 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)~~ making the demand, an initial amount equal to one daily jury fee and an additional amount at the conclusion of the time the jury was required equal to the daily jury fee multiplied by the actual number of days required. The daily fee shall be sixty dollars for a jury of six and one hundred twenty dollars for a jury of twelve. 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))~~ the additional ~~((twenty-five dollar))~~ fee ~~((will be required of))~~ shall be paid by the party demanding the increased number of jurors.

(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 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))~~ twenty dollars.

(8) For copying an instrument on file or of record in the clerk's office, a fee of one dollar per page. For ~~((preparing, transcribing or))~~ certifying any instrument on file or of record in the clerk's office, with or without seal, ~~((for the first page or portion thereof;))~~ a fee of ~~((two))~~ three dollars ~~((and for each additional page or portion thereof, a fee of one dollar))~~. For authenticating or exemplifying any instrument, a fee of ~~((one))~~ three dollars for each additional seal affixed.

(9) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(10) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of ~~((five))~~ twenty dollars shall be charged.

(11) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(12) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of seventy-eight dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (13) 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.

(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-eight dollars.

(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))~~ three dollars.

(15) For the preparation of a passport application there shall be a fee ~~((of four dollars))~~ as provided by federal law.

(16) For searching records for which a written report is issued there shall be a fee of eight dollars per hour.

(17) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmation of a conviction by a court of limited jurisdiction, a defendant in a criminal case shall be liable for a fee of seventy dollars.

(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.

(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.

(20) For filing a document with the court for a motion or motions in a civil action, a fee of ten dollars shall be charged.

NEW SECTION. Sec. 30. A new section is added to chapter 63.29 RCW to read as follows:

A local government holding abandoned intangible property that is not forwarded to the department of revenue, as authorized under RCW 63.29.170, shall not be required to maintain current records of this property for longer than five years after the property is presumed to be abandoned, and at that time may archive records of this intangible property and transfer the intangible property to its general fund. However, the local government shall remain liable to pay the intangible property to a person or entity subsequently establishing its ownership of this intangible property.

Sec. 31. Section 19, chapter 179, Laws of 1983 and RCW 63.29.190 are each amended to read as follows:

(1) Except as otherwise provided in subsections (2) and (3) of this section, a person who is required to file a report under RCW 63.29.170, within six months after the final date for filing the report as required by RCW 63.29.170, shall pay or deliver to the department all abandoned property required to be reported. Counties, cities, towns, and other municipal and quasi-municipal corporations which hold funds representing warrants canceled pursuant to RCW 36.22.100 and 39.56.040, excess proceeds from property tax and irrigation district foreclosures,

and property tax overpayments or refunds, may retain such funds until the owner notifies them and establishes ownership.

(2) If the owner establishes the right to receive the abandoned property to the satisfaction of the holder before the property has been delivered or it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property to the department, and the property will no longer be presumed abandoned. In that case, the holder shall file with the department a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

(3) Property reported under RCW 63.29.170 for which the holder is not required to report the name of the apparent owner must be delivered to the department at the time of filing the report.

(4) The holder of an interest under RCW 63.29.100 shall deliver a duplicate certificate or other evidence of ownership if the holder does not issue certificates of ownership to the department. Upon delivery of a duplicate certificate to the department, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder in executing or delivering the duplicate certificate is relieved of all liability of every kind in accordance with RCW 63.29.200 to every person, including any person acquiring the original certificate or the duplicate of the certificate issued to the department, for any losses or damages resulting to any person by the issuance and delivery to the department of the duplicate certificate.

NEW SECTION, Sec. 32. A new section is added to chapter 63.29 RCW to read as follows:

Any funds covered by RCW 63.29.190 that were received by the state prior to the effective date of this act shall be retained by the state of Washington, and any such funds not remitted to the state prior to the effective date of this act may be retained as provided for under RCW 63.29.190.

Sec. 33. Section 1, chapter 224, Laws of 1984 and RCW 46.16.216 are each amended to read as follows:

(1) To renew a vehicle license, an applicant shall satisfy all listed standing, stopping, and parking violations for the vehicle incurred while the vehicle was registered in the applicant's name and forwarded to the department pursuant to RCW 46.20.270(3). For the purposes of this section, 'listed' standing, stopping, and parking violations include only those violations for which notice has been received from local agencies by the department (~~one hundred fifty~~) ninety days or more before the date the vehicle license expires and that are placed on the records of the department. Notice of such violations received by the department later than (~~one hundred fifty~~) ninety days before that date that are not satisfied shall be considered by the department in connection with any applications for license renewal in any subsequent license year. The renewal application may be processed by the department or its agents only if the applicant:

(a) Presents a preprinted renewal application showing no listed standing, stopping, and parking violations, or in the absence of such presentation, the agent verifies the information that would be contained on the preprinted renewal application; or

(b) If listed standing, stopping, and parking violations exist, presents proof of payment and pays a (~~ten~~) fifteen dollar surcharge.

(2) The (~~ten dollar~~) surcharge shall be allocated as follows:

(a) (~~Five~~) Ten dollars shall be deposited in the motor vehicle fund to be used exclusively for the administrative costs of the department of licensing; and

(b) Five dollars shall be retained by the agent handling the renewal application to be used by the agent for the administration of this section.

(3) If there is a change in the registered owner of the vehicle, the department shall forward the information regarding the change to the local charging jurisdiction and release any hold on the renewal of the vehicle license resulting from parking violations incurred while the certificate of license registration was in a previous registered owner's name.

(4) The department shall send to all registered owners of vehicles who have been reported to have outstanding listed parking violations, at the time of renewal, a statement setting out the dates and jurisdictions in which the violations occurred as well as the amounts of unpaid fines and penalties relating to them and the surcharge to be collected.

Sec. 34. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 5, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That if the convicted person testifies that he or she does not and at the time of the offense did not have a current and valid vehicle driver's license, the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license

and on conviction punished as by law provided, and the department may not issue a driver's license to such persons during the period of suspension or revocation: PROVIDED, ALSO, That if the driver's license of such convicted person has been lost or destroyed and such convicted person makes an affidavit to that effect, sworn to before the judge, the convicted person may not be so confined, but the department may not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, a payment of a fine or penalty, a plea of guilty or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing, stopping, parking, and pedestrian offenses.

(3) Every municipality having jurisdiction over offenses committed under this chapter, or under any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, may forward to the department within ten days of failure to respond, failure to pay a penalty, failure to appear at a hearing to contest the determination that a violation of any statute, ordinance, or regulation relating to standing, stopping, or parking has been committed, or failure to appear at a hearing to explain mitigating circumstances, an abstract of the citation record in the form prescribed by rule of the department, showing the finding by such municipality that ~~((three))~~ two or more violations of laws governing standing, stopping, and parking have been committed and indicating the nature of the defendant's failure to act. Such violations may not have occurred while the vehicle is stolen from the registered owner or is leased or rented under a bona fide commercial vehicle 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. The department may enter into agreements of reciprocity with the duly authorized representatives of the states for reporting to each other violations of laws governing standing, stopping, and parking.

(4) For the purposes of Title 46 RCW the term 'conviction' means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence is deferred or the penalty is suspended.

(5) For the purposes of Title 46 RCW the term 'finding that a traffic infraction has been committed' means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to RCW 46.63.070(2) is deemed equivalent to such a finding.

Sec. 35. Section 6, chapter 1, Laws of 1980 and RCW 43.135.060 are each amended to read as follows:

(1) (a) The legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any taxing district unless the districts are reimbursed for the costs thereof by the state. The amount of increased revenue that is received or could be received by a taxing district as a result of legislative enactments after 1979 shall be included as reimbursement under this section.

(b) Reimbursement is not required under this section in respect to:

(i) Changes in sentences or enforcement procedures for criminal justice activities relating to crimes established before, or substantially similar to crimes established before, July 1, 1990.

(ii) Changes relating to criminal justice activities that have historically been the responsibility of the taxing district.

(iii) Enactments that the legislature declares are exempt from this subsection as necessary for the preservation of the public peace, health, or safety.

(c) The legislature finds that adequate resources have been provided to all taxing districts and further reimbursement is thus not required for new programs and increased levels of service under existing programs required by the state through July 1, 1990.

(2) ~~((That proportion of state tax revenue which consists of direct state appropriations to taxing districts taken as a group shall not be decreased below that proportion appropriated in the biennium immediately preceding January 1, 1980: PROVIDED, This proportion shall be decreased in any fiscal year only if: (a) The legislature decreases the state tax revenue limit for that fiscal year by an amount equal to the dollar amount of any decrease in direct state appropriations to taxing districts taken as a whole; or (b) the state tax revenue limit has been~~

increased under RCW 43.135.050(3) or 43.135.060(3) and the decrease of the proportion is commensurate with the increase in the state tax revenue limit.

(3)) If by order of any court, or legislative enactment, the costs of a federal or taxing district program are transferred to or from the state, the otherwise applicable state tax revenue limit shall be increased or decreased, as the case may be, by the dollar amount of the costs of the program.

((4)) (3) The legislature, in consultation with the office of financial management or its successor agency, shall determine the costs of any new programs or increased levels of service under existing programs imposed on any taxing district or transferred to or from the state.

Sec. 36. Section 2, chapter 19, Laws of 1977 ex. sess. as last amended by section 16, chapter 125, Laws of 1984 and RCW 43.132.020 are each amended to read as follows:

(1) The director of financial management or the director's designee shall, in cooperation with appropriate legislative committees and legislative staff, establish a mechanism for the determination of the fiscal impact of proposed legislation which if enacted into law would directly or indirectly increase or decrease revenues received or expenditures incurred by counties, cities, towns, or any other political subdivisions of the state. The office of financial management shall, when requested by a member of the state legislature, report in writing as to such fiscal impact and said report shall be known as a 'fiscal note'. Fiscal notes under this chapter shall be given the same priority as fiscal notes relating to state revenues and expenditures under chapter 43.88A RCW.

(2) Such fiscal notes shall indicate by fiscal year the total impact on the subdivisions involved for the first two years the legislation would be in effect and also a cumulative six year forecast of the fiscal impact. Where feasible and applicable, the fiscal note also shall indicate the fiscal impact on each individual county or on a representative sampling of cities, towns, or other political subdivisions.

(3) A fiscal note as defined in this section shall be provided only upon request of any member of the state legislature. A legislator also may request that such a fiscal note be revised to reflect the impact of proposed amendments or substitute bills. Fiscal notes shall be completed within seventy-two hours of the request unless a longer time period is allowed by the requesting legislator. In the event a fiscal note has not been completed within seventy-two hours of a request, a daily report shall be prepared for the requesting legislator by the director of financial management which report summarizes the progress in preparing the fiscal note. If the request is referred to the director of community development, the daily report shall also include the date and time such referral was made.

(4) A fiscal note as defined in this section shall be prepared for any bill, substitute bill, or amendment that substantially imposes responsibility for new programs or increased levels of service under existing programs on any unit of local government. A fiscal note under this subsection must be completed before the bill, substitute bill, or amendment becomes law.

NEW SECTION. Sec. 37. Sections 1 through 11 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 38. Sections 1 through 11 of this act shall expire December 31, 1995.

NEW SECTION. Sec. 39. The expiration of sections 1 through 11 and 21 of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under that section or under any rule or order adopted under that section, nor as affecting any proceeding instituted under that section.

NEW SECTION. Sec. 40. 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. 41. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately except for sections 14 through 16 and 23 through 27 of this act, which shall take effect on January 1, 1991, and sections 33 and 34 of this act which shall take effect on July 1, 1990.

NEW SECTION. Sec. 42. Section 22 of this act shall be effective for taxes levied for collection in 1991 and thereafter."

Mr. Wang spoke in favor of adoption of the amendment, and Mr. Horn opposed it.

The Speaker (Mr. Heavey presiding) stated the question before the House to be adoption of the amendment by Representatives Wang, Haugen and Braddock.

A division was called. The Speaker (Mr. Heavey presiding) called upon the House to divide. The result of the division was: Yeas - 58; Nays - 35. The amendment was adopted.

With consent of the House, the following amendment by Representatives Wang, Haugen and Braddock to the title was adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 82.14.200, 82.14.210, 82.44.150, 82.14.050, 82.14.060, 82.46.010, 84.52.043, 41.16.060, 41.16.050, 36.18.020, 63.29.190, 46.16.216, 46.20.270, 43.135.060, and 43.132.020; adding a new chapter to Title 43 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.16 RCW; adding a new section to chapter 41.18 RCW; adding a new section to chapter 44.44 RCW; adding a new section to Title 36 RCW; adding new sections to chapter 63.29 RCW; creating new sections; making appropriations; providing an expiration date; providing effective dates; and declaring an emergency."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Haugen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6904 as amended by the House, and the bill passed the House by the following vote: Yeas, 66; nays, 31.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 66.

Voting nay: Representatives Ballard, Beck, Bennett, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Doty, Ferguson, Forner, Fuhrman, Hankins, Holland, Horn, Kirby, May, McLean, Miller, Moyer, Padden, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wolfe, Wood, Youngsman - 31.

Engrossed Senate Bill No. 6904 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately resume consideration of Senate Bill No. 6408 on the second reading calendar. The motion was carried. (For previous action, see today's Journal, Afternoon Session.)

SENATE BILL NO. 6408, by Senators Patterson, Bender, Thorsness, Hansen and Talmadge; by request of Governor

Adopting the supplemental transportation budget.

Ms. Brough moved adoption of the following amendment:

On page 7, after line 19, insert the following:

"Sec. 9. Section 17, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM A	
Motor Vehicle Fund Appropriation—State	\$ 124,000,000
Motor Vehicle Fund Appropriation—Federal	\$ 80,000,000
Motor Vehicle Fund Appropriation—Local	\$ 2,000,000
Total Appropriation	\$ 206,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category 'A' under RCW 47.05.030.

(2) \$80,000 of this appropriation is provided solely for studies to identify means of mitigating the environmental effects of SR 520 on neighboring communities.

(3) Any study of east-west corridors across or in the vicinity of Lake Washington shall be conducted in a manner consistent with the regional high occupancy vehicle strategic plan.

(4) \$300,000 of this appropriation is provided solely for safety improvements to the first avenue south bridge.

(5) Recognizing the higher priority of traffic signalization and intersection improvements over pavement preservation, reprioritization of current department budget requests within program A are required. \$33,000,000 of the category A appropriation is provided solely for new and rebuilt traffic signal systems and associated intersection improvements."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Brough and Betrozoff spoke in favor of adoption of the amendment, and Representatives Cooper and Schmidt spoke against it. Ms. Brough again spoke in favor of the amendment.

The amendment was not adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6408 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Bennett, Morris, Myers H - 3.

Senate Bill No. 6408 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Substitute Senate Bill No. 6589 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 6589, by Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Moore and Johnson)

Changing provisions relating to which county a title insurer may do business.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6589, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 6589, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6606, by Senators Benitz, Patterson, Stratton, Newhouse, Hansen, Johnson and Smith

Modifying exemptions and penalties for tinting or coloring of motor vehicle windows.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and Inslee spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6606, and the bill passed the House by the following vote: Yeas, 97.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R. Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P. King R. Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D. Sommers H. Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K. Wilson S. Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6606, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6608, by Committee on Law & Justice (originally sponsored by Senators Nelson, McMullen, Patrick, Smitherman and Madsen)

Pertaining to enforcement of traffic violations.

The bill was read the second time.

Mr. Crane moved adoption of the following amendment:

On page 7, after line 22, insert the following:

*NEW SECTION. Sec. 8. A new section is added to chapter 35.21 RCW to read as follows:

(1) Except as limited by the maximum penalty authorized by law, no city, code city, or town, may establish a penalty for an act that constitutes a crime under Washington state law that is less than the penalty prescribed for that crime by state statute.

(2) Penalty provisions adopted by a city, code city, or town that are inconsistent with the penalty provision of a crime under state law are void and are superseded for that crime by state statute.

NEW SECTION. Sec. 9. A new section is added to chapter 36.01 RCW to read as follows:

(1) Except as limited by the maximum penalty authorized by law, no county may establish a penalty for an act that constitutes a crime under Washington state law that is less than the penalty prescribed for that crime by state statute.

(2) Penalty provisions adopted by a county that are inconsistent with the penalty provision of a crime under state law are void and are superseded by the penalty provision as provided by the state statute.*

POINT OF ORDER

Mr. P. King: I would like a ruling on the scope and object of this amendment.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. Heavey presiding) announced that the House would defer further consideration of Engrossed Substitute Senate Bill No. 6608 and that the bill would hold its place on the second reading calendar.

SENATE BILL NO. 6652, by Senators McDonald, Gaspard and Hayner

Revising penalties on cigarette taxes.

The bill was read the second time. Committee on Revenue recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 46th Day, February 22, 1990.)

Mr. Pruitt moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Pruitt and Holland spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6652 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Hargrove - 1.

Senate Bill No. 6652, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6663, by Committee on Transportation (originally sponsored by Senators Patterson, DeJarnatt, Thorsness and Rasmussen; by request of Department of Licensing)

Authorizing special license plates and emblems.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 50th Day, February 26, 1990.)

Ms. R. Fisher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Fisher and Kremen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6663 as amended by the House, and the bill passed the House by the following vote: Yeas, 91; nays, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Belcher, Cole, Fisher R, McLean, Schmidt, Wang - 6.

Substitute Senate Bill No. 6663, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6701, by Committee on Transportation (originally sponsored by Senators Bluechel, Bender, Sellar, Moore, von Reichbauer, Murray, Smitherman, Conner, Warnke and Lee)

Creating the maritime commission and oil spill response system.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 50th Day, February 26, 1990.)

Ms. R. Fisher moved adoption of the committee amendments.

Mr. Cooper moved adoption of the following amendments to the committee amendments:

On page 1, line 4 of the committee amendment, after "comprised of" strike "seven" and insert "nine"

On page 5, line 18, after "waters," insert "One member shall represent steamship agencies serving tramp vessels on the Columbia river."

On page 5, line 22, after "Puget Sound," insert "the United States coast guard captain of the port for that portion of the Columbia river that runs between Washington and Oregon."

Mr. Cooper spoke in favor of adoption of the amendments to the committee amendments, and they were adopted.

Mr. Cooper moved adoption of the following amendments to the committee amendment:

On page 4, line 13 after "chapter" insert ", except for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon"

On page 4, line 21 after "system" insert ", except for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon."

On page 4, line 30 after "centers" insert a new paragraph to read as follows:

"The commission may establish, by or before July 1, 1992, an oil spill first response system for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon"

On page 5, line 7 after "commission" insert ", except for vessels operating on the portion of the Columbia river that runs between the states of Washington and Oregon. The commission shall develop an oil spill contingency plan for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon, not later than January 1, 1993"

On page 8, line 31 after "herein" insert "and not including vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon"

On page 9, line 11 after "chapter," insert a new paragraph to read as follows:

"There may be levied on and after January 1, 1992, an assessment upon all vessels, or the owners or operators thereof, which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon."

On page 12, line 11 after "effect" strike the remaining material and insert "July 1, 1991; except as otherwise provided in section 3(5), (10), and (15), and section 11 of this act."

Representatives Cooper and Schmidt spoke in favor of adoption of the amendments, and they were adopted.

The committee amendments as amended were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6701 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Berozoff, Bowman, Braddock, Brække, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fomer, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 6701 as amended by the House, having received the constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6731, by Committee on Ways & Means (originally sponsored by Senators McCaslin and Sutherland)

Including absentee ballots in state-wide election abstracts.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6731, and the bill passed the House by the following vote: Yeas, 96; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spaniel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Nealey - 1.

Second Substitute Senate Bill No. 6731, having received the constitutional majority, was declared passed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. Heavey presiding) announced that the House would defer consideration of Engrossed Second Substitute Senate Bill No. 6767 and that the bill would hold its place on the second reading calendar. The motion was carried.

ENGROSSED SENATE BILL NO. 6797, by Senators Benitz, Rasmussen, Conner, Metcalf, Patterson, Thorsness, Amondson and McMullen

Creating the fisheries 2000 council.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

Mr. R. King moved adoption of the committee amendment. Representatives R. King and Bowman spoke in favor of adoption of the committee amendment, and it was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6797 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spaniel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Senate Bill No. 6797 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 6802, by Senators Sellar, Vognild, Benitz, Bailey and McCaslin

Changing provisions relating to reduced utility rates for low income disabled citizens.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nelson and Miller spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6802, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6802, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8003, by Senators Conner, Bender, Madsen, DeJarnatt and Murray

Requesting that the practice of railroad holding tanks dumping on the right of way be discontinued.

The memorial was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8003, and the memorial passed the House by the following vote: Yeas, 96; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Beck - 1.

Senate Joint Memorial No. 8003, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8017, by Senators DeJarnatt, Smith, Sutherland, Bauer, Newhouse, Sellar, Hayner, Benitz, Hansen and Barr

Resolving to commemorate the 200th anniversary of the discovery of the Columbia river.

The memorial was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 23, 1990.)

Ms. Cole moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives Basich and Schoon spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8017 as amended by the House, and the memorial passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Loven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Joint Memorial No. 8017 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Substitute Senate Bill No. 5013 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5013, by Committee on Education (originally sponsored by Senator Owen)

Relating to second class school districts changing back to having directors run at-large.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 46th Day, February 22, 1990.)

Mr. Peery moved adoption of the committee amendment on page 1, after line 3.

Mr. Schoon moved adoption of the following amendment to the committee amendment:

On page 1, line 4, after "Sec. 1." strike everything through line 10 and insert "The following limitations are placed on the election of members of the school district board of directors in a second class school district:

(1) No more than two of the directors may reside within the boundaries of a director district if a second class school district maintains a system which allows members of the board of directors to be elected from a combination of three director districts and two director at-large districts; and

(2) No more than one member of a family having the relationship of husband and wife or parent and child may serve as a member of the school district board of directors for the same school district."

Mr. Schoon spoke in favor of adoption of the amendment to the committee amendment, and Representatives Bennett and Hine spoke against it. The amendment to the committee amendment was not adopted.

The committee amendment on page 1, after line 3, was adopted.

Mr. Bennett moved adoption of the committee amendment on page 3, line 17 and spoke in favor of it. The committee amendment was adopted.

Mr. Bennett moved adoption of the committee amendments on page 3, line 25; page 4, line 21; page 5, lines 32 and 33; and page 6, lines 13 and 19. Mr. Bennett spoke in favor of the committee amendments, and they were adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Bennett and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5013 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner,

Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 5013 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Engrossed Second Substitute Senate Bill No. 5516 on the second reading calendar. The motion was carried.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5516, by Committee on Health & Long-Term Care (originally sponsored by Senators Wojahn, Warnke, Johnson, Niemi, Bauer, Rasmussen and West)

Regarding the disabilities land trust.

The bill was read the second time. Committee on Capital Facilities & Financing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.)

POINT OF INFORMATION

Ms. H. Sommers: The committee amendment is a striking amendment; the floor amendment, which we prefer to adopt, is also a striking amendment. Would you please clarify for the House if the appropriate motion is to not adopt the committee amendment and then proceed to the floor amendment, or adopt both which means that the floor amendment would prevail?

SPEAKER'S REPLY

The Speaker: The former statement is the correct procedure.

Ms. H. Sommers moved that the House do not adopt the committee amendment. Ms. H. Sommers spoke in favor of the motion, and it was carried.

Ms. Rasmussen moved adoption of the amendment by Representatives Rasmussen, H. Sommers and Schoon:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 79.01 RCW to read as follows:

(1) Every five years the department of social and health services and other state agencies that operate institutions shall conduct an inventory of all real property subject to the charitable, educational, penal, and reform institution trust account and other real property acquired for institutional purposes or for the benefit of the blind, deaf, mentally ill, developmentally disabled, or otherwise disabled. The inventory shall identify which of those real properties are not needed for state-provided residential care, custody, or treatment. By December 1, 1992, and every five years thereafter the department shall report the results of the inventory to the house committee on capital facilities and financing, the senate committee on ways and means, and the legislative budget committee.

(2) Real property identified as not needed for state-provided residential care, custody, or treatment shall be transferred to the corpus of the charitable, educational, penal, and reform institution trust. This subsection shall not apply to real property acquired with conditions that conflict with this subsection.

(3) The department of natural resources shall manage the charitable, educational, penal, and reform institution trust account and, in consultation with the department of social and health services and the department of corrections, shall adopt a plan for the management of real property subject to the trust and other real property acquired for institutional purposes or for the benefit of the blind, deaf, mentally ill, developmentally disabled, or otherwise disabled.

(a) The plan shall be consistent with state trust land policies and shall be compatible with the needs of institutions adjacent to real property subject to the plan.

(b) The plan may be modified as necessary to ensure the quality of future management and to address the acquisition of additional real property.

NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:

The department shall conduct an inventory of real properties as provided in section 1 of this act.

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

Representatives Rasmussen and Schoon spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives Rasmussen, H. Sommers and Schoon to the title was adopted:

On page 1, line 1 of the title, after "trust;" strike the remainder of the title and insert "adding a new section to chapter 43.20A RCW; adding a new section to chapter 79.01 RCW; and declaring an emergency."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Rasmussen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5516 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Reclor, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Loven, Vekich, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Walker - 1.

Engrossed Second Substitute Senate Bill No. 5516 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Substitute Senate Bill No. 6698 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 6698, by Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, DeJarnatt, Nelson, Sutherland, Barr, Bauer, Bluechel, Stratton, Patterson, Hansen, Anderson, Madsen, Bailey, McCaslin, Owen, Conner and Benitz)

Imposing a fee on the sale of solid fuel burning devices.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.) Committee on Revenue recommendation: Majority, do pass as amended by Committee on Revenue without amendments by Committee on Environmental Affairs. (For committee amendments, see Journal, 50th Day, February 26, 1990.)

With consent of the House, the amendments by Committee on Environmental Affairs were withdrawn.

Mr. Pruitt moved adoption of the committee amendment by Committee on Revenue and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment by Committee on Revenue to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and D. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6698 as amended by the House, and the bill passed the House by the following vote: Yeas, 79; nays, 18.

Voting yea: Representatives Anderson, Appelwick, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Hankins, Haugen, Hine, Horn, Inslee, Jacobsen, Jesernig, King P, King R, Leonard, Locke, May, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 79.

Voting nay: Representatives Ballard, Basich, Baugher, Cooper, Crane, Grant, Hargrove, Heavey, Holland, Jones, Kirby, Kremen, McLean, Morris, Raiter, Rayburn, Todd, Zellinsky - 18.

Substitute Senate Bill No. 6698 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Mr. Heavey presiding) declared the House to be at ease.

The Speaker (Mr. Heavey presiding) called the House to order.

SENATE BILL NO. 6588, by Senator Nelson

Defining when a live performance may be a moral nuisance.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6588, and the bill passed the House by the following vote: Yeas, 96; nays, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Wang - 1.

Senate Bill No. 6588, having received the constitutional majority, was declared passed.

The Speaker resumed the Chair.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6767, by Committee on Ways & Means (originally sponsored by Senators Niemi, Nelson, Talmadge, Newhouse and Rasmussen)

Creating a juvenile justice review commission.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Human Services.

Mr. Braddock moved adoption of the committee amendment.

The Clerk read the following amendments by Representatives Brekke, Hargrove and Padden to the committee amendment:

On page 3, after line 36, insert the following:

NEW SECTION, Sec. 4. (1) The legislature finds that, despite the best efforts and intentions of the department of social and health services, some families in Washington state have unresolved disputes with the department relating to actions taken by the division of children and family services, and that there is no independent and nonadversarial process in place to resolve these disputes. The legislature further finds that the availability of an independent and nonadversarial process for complaint investigation and dispute resolution can further the goal of maintaining children in safe and healthy families.

(2) It is the purpose of this act to establish a procedure that is responsive to the needs of families in Washington state who are the subject of actions taken by the department of social and health services pursuant to chapters 74.13, 74.14A, 74.15, 26.44, 13.32A, and 13.34 RCW, that benefits children, their families, and the department by providing an independent and nonadversarial mechanism to resolve disputes.

NEW SECTION, Sec. 5. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout sections 5 through 12 of this act.

(1) 'Department' means the department of social and health services.

(2) 'Administrative act' means any action, omission, decision, recommendation, practice, or procedure of the department relating to its activities according to chapters 74.13, 74.14A, 74.15, 26.44, 13.32A, and 13.34 RCW, but does not include the preparation, presentation, or introduction of legislation.

NEW SECTION, Sec. 6. (1) There is established in the department of community development the office of the children's services ombuds.

(2) The department of community development shall appoint the children's services ombuds, who shall be a person having training or experience in the provision or administration of services to children and families, and in complaint investigation or nonadversarial dispute resolution mechanisms. The ombuds shall not be removed from his or her office unless good cause for removal is shown.

NEW SECTION, Sec. 7. (1) The children's services ombuds shall investigate any complaint from any citizen relating to administrative acts by the department, regardless of whether the administrative act is final, when the complaint indicates that:

(a) The administrative act was not in accordance with legislative declarations relating to children and family services in RCW 74.13.010, 74.14A.010, 74.15.010, 26.44.010, 13.32A.010, and 13.34.020;

(b) The administrative act was not in accordance with the requirements of chapter 74.13, 74.14A, 74.15, 26.44, 13.32A, or 13.34 RCW;

(c) The administrative act may have been unreasonable, unfair, oppressive, or discriminatory, although in accordance with the legislative declarations of RCW 74.13.010, 74.14A.010, 74.15.010, 26.44.010, 13.32A.010, 13.34.020, and the requirements of chapters 74.13, 74.14A, 74.15, 26.44, 13.32A, and 13.34 RCW; or

(d) The administrative act was not in accordance with departmental rules, procedures, or guidelines.

Priority shall be given to complaints regarding decisions of the department to place a child in an out-of-home placement or maintain a child in the family home where allegations of abuse or neglect have been made.

(2) The office of the children's services ombuds shall maintain an accessible toll-free telephone line to receive complaints from throughout Washington regarding administrative acts of the department.

(3) The children's services ombuds shall act independently of the department in the performance of his or her duties.

NEW SECTION, Sec. 8. The children's services ombuds shall determine whether a complaint is or is not an appropriate subject for investigation under section 7 of this act, and shall inform the complainant of that decision, stating his or her reasons. If the ombuds decides that a complaint is an appropriate subject for investigation under section 7 of this act, he or she shall notify the department of his or her decision and the specifics of the complaint.

NEW SECTION, Sec. 9. In carrying out investigative or dispute resolution activities under sections 5 through 12 of this act and RCW 26.44.030, the children's services ombuds shall have the right:

(1) To communicate privately by mail or orally with a parent who is the subject of investigative or dispute resolution activities by the ombuds; and

(2) To have access, including the right to inspect, copy, and/or subpoena child welfare records held by the department, facilities where a child has been placed for care or treatment, the clerk of a superior court of the state of Washington, or law enforcement agencies. Unless otherwise authorized by law, the ombuds shall not have access to identifying information regarding a confidential informant of suspected child abuse or neglect or a police informant; mental health or substance abuse treatment information governed by federal confidentiality provisions; or information pertaining to the testing, diagnosis, or treatment of any person for HIV infection, AIDS, or any sexually transmitted disease. Information obtained pursuant to this subsection shall be kept confidential and shall not be further disseminated.

NEW SECTION, Sec. 10. If after investigation, the children's services ombuds finds that:

- (1) A complaint should be further considered by the department;
- (2) An administrative act should be modified or canceled; or
- (3) Reasons or more complete reasons should be given for an administrative act;

The ombuds shall prepare recommended actions and may request that the department notify him or her, within a specified time, of the action taken on his or her recommendations or may provide services to assist the complainant and the department in resolving the dispute that led to the complaint, provided that the complainant requests such services.

NEW SECTION, Sec. 11. After a reasonable time has elapsed, the children's services ombuds shall notify the complainant of any action taken by the ombuds and by the department as a result of the investigation.

NEW SECTION, Sec. 12. (1) The children's services ombuds shall maintain records indicating the final disposition of any complaint forwarded to the department.

(2) All records of the children's services ombuds pertaining to investigative or dispute resolution activities undertaken by the ombuds shall be confidential. Information contained in those records may not be disclosed publicly in a manner that may identify individuals. However, records shall be available to persons approved by a superior court of the state of Washington upon application for good cause. Any information obtained pursuant to section 9(2) of this act shall be kept confidential and shall not be further disseminated except as specifically authorized or required by federal or state law.

Sec. 13. Section 1, chapter 22, Laws of 1989 and RCW 26.44.030 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employee, employee of the department, children's services ombuds or duly designated representative of the ombuds, or ((juvenile)) probation or parole officer has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

(2) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(3) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(4) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(5) Any county prosecutor or city attorney receiving a report under subsection (4) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(6) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled

person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(7) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(8) Persons or agencies exchanging information under subsection (6) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(9) Upon receiving reports of abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(10) Upon receiving a report of incidents, conditions, or circumstances of child abuse and neglect, the department shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(11) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(12) The department of social and health services shall, within funds appropriated for this purpose, use a risk assessment tool when investigating child abuse and neglect referrals. The tool shall be used, on a pilot basis, in three local office service areas. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall report to the ways and means committees of the senate and house of representatives on the use of the tool by December 1, 1989. The report shall include recommendations on the continued use and possible expanded use of the tool.

(13) Upon receipt of such report the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

NEW SECTION. Sec. 14. Section 6, chapter 35, Laws of 1969 ex. sess., section 1, chapter 46, Laws of 1972 ex. sess., section 7, chapter 217, Laws of 1975 1st ex. sess., section 29, chapter 80, Laws of 1977 ex. sess., section 4, chapter 164, Laws of 1981, section 6, chapter 97, Laws of 1984, section 3, chapter 269, Laws of 1986, section 6, chapter 206, Laws of 1987, section 12, chapter 524, Laws of 1987 and RCW 26.44.070 are each repealed.

NEW SECTION. Sec. 15. Sections 5 through 12 of this act are each added to chapter 43.09 RCW.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. Sections 4 through 15 of this act shall take effect July 1, 1990."

On page 4, line 1 of the amendment, after "Sec. 4," strike "This" and insert "Sections 1 through 3 of this"

On page 4, line 2 of the amendment, after "purposes of" insert "sections 1 through 3 of"

On page 4, line 4 of the amendment, after "appropriations act," insert "sections 1 through 3 of"

With consent of the House, Representative Brekke withdrew the amendments to the committee amendment.

Ms. Brekke moved adoption of the following amendments to the committee amendment:

On page 6, after line 20 of the amendment, insert the following:

NEW SECTION. Sec. 4. (1) The legislature finds that, despite the best efforts and intentions of the department of social and health services, some families in Washington state have unresolved disputes with the department relating to actions taken by the division of children and

family services, and that there is no independent and nonadversarial process in place to resolve these disputes. The legislature further finds that the availability of an independent and nonadversarial process for complaint investigation and dispute resolution can further the goal of maintaining children in safe and healthy families.

(2) It is the purpose of this act to establish a procedure that is responsive to the needs of families in Washington state who are the subject of actions taken by the department of social and health services pursuant to chapters 74.13, 74.14A, 74.15, 26.44, 13.32A, and 13.34 RCW, that benefits children, their families, and the department by providing an independent and nonadversarial mechanism to resolve disputes.

NEW SECTION. Sec. 5. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout sections 5 through 12 of this act.

(1) 'Department' means the department of social and health services.

(2) 'Administrative act' means any action, omission, decision, recommendation, practice, or procedure of the department relating to its activities according to chapters 74.13, 74.14A, 74.15, 26.44, 13.32A, and 13.34 RCW, but does not include the preparation, presentation, or introduction of legislation.

NEW SECTION. Sec. 6. (1) There is established in the department of community development the office of the children's services ombuds.

(2) The department of community development shall appoint the children's services ombuds, who shall be a person having training or experience in the provision or administration of services to children and families, and in complaint investigation or nonadversarial dispute resolution mechanisms. The ombuds shall not be removed from his or her office unless good cause for removal is shown.

NEW SECTION. Sec. 7. (1) The children's services ombuds shall investigate any complaint from any citizen relating to administrative acts by the department, regardless of whether the administrative act is final, when the complaint indicates that:

(a) The administrative act was not in accordance with legislative declarations relating to children and family services in RCW 74.13.010, 74.14A.010, 74.15.010, 26.44.010, 13.32A.010, and 13.34.020;

(b) The administrative act was not in accordance with the requirements of chapter 74.13, 74.14A, 74.15, 26.44, 13.32A, or 13.34 RCW;

(c) The administrative act may have been unreasonable, unfair, oppressive, or discriminatory, although in accordance with the legislative declarations of RCW 74.13.010, 74.14A.010, 74.15.010, 26.44.010, 13.32A.010, 13.34.020, and the requirements of chapters 74.13, 74.14A, 74.15, 26.44, 13.32A, and 13.34 RCW; or

(d) The administrative act was not in accordance with departmental rules, procedures, or guidelines.

Priority shall be given to complaints regarding decisions of the department to place a child in an out-of-home placement or maintain a child in the family home where allegations of abuse or neglect have been made.

(2) The office of the children's services ombuds shall maintain an accessible toll-free telephone line to receive complaints from throughout Washington regarding administrative acts of the department.

(3) The children's services ombuds shall act independently of the department in the performance of his or her duties.

NEW SECTION. Sec. 8. The children's services ombuds shall determine whether a complaint is or is not an appropriate subject for investigation under section 7 of this act, and shall inform the complainant of that decision, stating his or her reasons. If the ombuds decides that a complaint is an appropriate subject for investigation under section 7 of this act, he or she shall notify the department of his or her decision and the specifics of the complaint.

NEW SECTION. Sec. 9. In carrying out investigative or dispute resolution activities under sections 5 through 12 of this act and RCW 26.44.030, the children's services ombuds shall have the right:

(1) To communicate privately by mail or orally with a parent who is the subject of investigative or dispute resolution activities by the ombuds; and

(2) To have access, including the right to inspect, copy, and/or subpoena child welfare records held by the department, facilities where a child has been placed for care or treatment, the clerk of a superior court of the state of Washington, or law enforcement agencies. Unless otherwise authorized by law, the ombuds shall not have access to identifying information regarding a confidential referral of suspected child abuse or neglect or a police informant; mental health or substance abuse treatment information governed by federal confidentiality provisions; or information pertaining to the testing, diagnosis, or treatment of any person for HIV infection, AIDS, or any sexually transmitted disease. Information obtained pursuant to this subsection shall be kept confidential and shall not be further disseminated.

NEW SECTION. Sec. 10. If after investigation, the children's services ombuds finds that:

(1) A complaint should be further considered by the department;

(2) An administrative act should be modified or canceled; or

(3) Reasons or more complete reasons should be given for an administrative act;

The ombuds shall prepare recommendations and may request that the department notify him or her, within a specified time, of the action taken on his or her recommendations or may provide services to assist the complainant and the department in resolving the dispute that led to the complaint, provided that the complainant requests such services.

NEW SECTION. Sec. 11. After a reasonable time has elapsed, the children's services ombuds shall notify the complainant of any action taken by the ombuds and by the department as a result of the investigation.

NEW SECTION. Sec. 12. (1) The children's services ombuds shall maintain records indicating the final disposition of any complaint forwarded to the department.

(2) All records of the children's services ombuds pertaining to investigative or dispute resolution activities undertaken by the ombuds shall be confidential. Information contained in those records may not be disclosed publicly in a manner that may identify individuals. However, records shall be available to persons approved by a superior court of the state of Washington upon application for good cause. Any information obtained pursuant to section 9(2) of this act shall be kept confidential and shall not be further disseminated except as specifically authorized or required by federal or state law.

Sec. 13. Section 1, chapter 22, Laws of 1989 and RCW 26.44.030 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, children's services ombuds or duly designated representative of the ombuds, or (juvenile) probation or parole officer has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

(2) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(3) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

(4) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(5) Any county prosecutor or city attorney receiving a report under subsection (4) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(6) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(7) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(8) Persons or agencies exchanging information under subsection (6) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(9) Upon receiving reports of abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(10) Upon receiving a report of incidents, conditions, or circumstances of child abuse and neglect, the department shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(11) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(12) The department of social and health services shall, within funds appropriated for this purpose, use a risk assessment tool when investigating child abuse and neglect referrals. The tool shall be used, on a pilot basis, in three local office service areas. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall report to the ways and means committees of the senate and house of representatives on the use of the tool by December 1, 1989. The report shall include recommendations on the continued use and possible expanded use of the tool.

(13) Upon receipt of such report the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

NEW SECTION. Sec. 14. Section 6, chapter 35, Laws of 1969 ex. sess., section 1, chapter 46, Laws of 1972 ex. sess., section 7, chapter 217, Laws of 1975 1st ex. sess., section 29, chapter 80, Laws of 1977 ex. sess., section 4, chapter 164, Laws of 1981, section 6, chapter 97, Laws of 1984, section 3, chapter 269, Laws of 1986, section 6, chapter 206, Laws of 1987, section 12, chapter 524, Laws of 1987 and RCW 26.44.070 are each repealed.

NEW SECTION. Sec. 15. Sections 5 through 12 of this act are each added to chapter 43.09 RCW.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. Sections 4 through 15 of this act shall take effect July 1, 1990."

Renumber remaining sections consecutively and correct internal references accordingly.

On page 6, line 21 of the amendment, after "Sec. 4." strike "This" and insert "Sections 1 through 3 of this"

On page 6, line 24 of the amendment, after "purposes of" insert "sections 1 through 3 of"

On page 6, line 28 of the amendment, after "appropriations act," insert "sections 1 through 3 of"

Representatives Brekke and Moyer spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Ms. Brekke moved adoption of the following amendment to the committee amendment:

On page 6, line 23 of the Human Services Committee striking amendment, strike new section five.

Ms. Brekke spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

With consent of the House, the following amendments by Representative Brekke to the committee amendment to the title were adopted:

On page 7, line 3 of the title amendment, after "justice;" insert "amending RCW 26.44.030: adding new sections to chapter 43.09 RCW:"

On page 7, line 5 of the title amendment, after "sections;" insert "repealing RCW 26.44.070: providing an effective date:"

With consent of the House, the committee amendment as amended to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Sayan spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6767 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Rayburn - 1.

Engrossed Second Substitute Senate Bill No. 6767 as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Washington State has the highest rate of detaining juveniles of any state in the nation. This study, required by Engrossed Second Substitute Senate Bill No. 6767 as amended by the House, is expected to address the current rate of juvenile detention in Washington State. It is the intent of the legislation that the study maintain the legal distinction between juvenile offenders and runaway youth who have not committed any crime.

JUNE LEONARD, 11TH District.
JOANNE BREKKE, 32nd District.

SENATE BILL NO. 6180, by Senators West, Kreidler, Sellar, von Reichbauer, Johnson and Newhouse; by request of Washington Basic Health Plan

Providing confidentiality for certain basic health plan records and data.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6180, and the bill passed the House by the following vote: Yeas, 95; absent, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Brumsickle, McLean - 2.

Senate Bill No. 6180, having received the constitutional majority, was declared passed.

MOTION

Mr. Heavey moved that the House defer consideration of Substitute Senate Bill No. 6764 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 6777, by Senator Madsen

Designating state route number 706 as "The Road to Paradise."

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6777, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6777, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6880, by Committee on Governmental Operations (originally sponsored by Senators Rinehart, McCaslin and Niemi)

Limiting the disclosure of business and residential locations.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on State Government and with amendments by Committee on Appropriations. (For committee amendments, see Journal, 50th Day, February 26, 1990.)

Mr. Todd moved adoption of the committee amendments by Committee on State Government and spoke in favor of them. The committee amendments were adopted.

Mr. Grant moved adoption of the committee amendments by Committee on Appropriations and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Todd spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6880 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery,

Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 6880 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Senate Bill No. 6451 on the second reading calendar. The motion was carried.

SENATE BILL NO. 6451, by Senators McDonald and Hayner

Modifying the cigarette tax.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Pruitt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6451, and the bill passed the House by the following vote: Yeas, 92; nays, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 92.

Voting nay: Representatives Cole, Dellwo, Forner, Hargrove, and Mr. Speaker - 5.

Senate Bill No. 6451, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

On final passage of Senate Bill No. 6451, I intended to vote "No."

CAL ANDERSON, 43rd District.

I mistakenly voted "no" on final passage of Senate Bill No. 6451. Would you please indicate that I wished to vote "yea."

ELMIRA FORNER, 47th District.

MOTION

Mr. Ebersole moved that the House immediately consider Engrossed Second Substitute Senate Bill No. 6537 on the second reading calendar. The motion was carried.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6537, by Committee on Ways & Means (originally sponsored by Senators Smith, Stratton, Vognild, Bailey, Craswell and Rasmussen)

Providing for foster care reform and making appropriations.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.) Committee on Appropriations recommendation: Majority, do pass with amendments by Committee on Human Services as amended by Committee on Appropriations. (For committee amendments, see Journal, 50th Day, February 26, 1990.)

Mr. Sayan moved adoption of the committee amendment by Committee on Human Services.

On motion of Mr. Grant, the committee amendments by Committee on Appropriations to the committee amendment by Committee on Human Services were adopted.

The committee amendment by Committee on Human Services as amended was adopted.

With consent of the House, the amendment by Committee on Human Services to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sayan and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6537 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Loven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Second Substitute Senate Bill No. 6537 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Substitute Senate Bill No. 6764 on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 6764, by Committee on Education (originally sponsored by Senators Rinehart, Bailey and Fleming)

Creating the learn-in-libraries program.

The bill was read the second time.

Ms. Bowman moved adoption of the following amendment by Representatives Betzoff and Peery:

On page 1, line 10, after "provided," insert "It is the intent of the legislature that libraries will locally design such programs and that the state library commission shall only approve or not approve applications for grants."

Ms. Bowman spoke in favor of adoption of the amendment, and Mr. Todd spoke against it. The amendment was not adopted.

Ms. Bowman moved adoption of the following amendment:

On page 1, at line 26, insert:

"NEW SECTION, Sec. 3. The state library commission shall use no more than ten percent of appropriated dollars up to the maximum of fifty thousand dollars for administration of the grant approval process."

Renumber the following sections consecutively.

Representatives Bowman and Todd spoke in favor of adoption of the amendment, and it was adopted.

Ms. Bowman moved adoption of the following amendment:

On page 1, line 13 after "program" insert "by providing grants, with funds appropriated for that purpose, to local libraries to develop and implement learn-in-library programs that provide after school programs for children."

On page 1, at line 14 strike all of subsection "(2)" and insert:

(2) Acceptable programs shall provide services for school-age children who would otherwise be unsupervised. The proposed programs shall be described in the grant applications and shall include provision for the following:

- (a) Participation of volunteers in the design of the program; and
- (b) Use of volunteers, especially older volunteers, and other community volunteer resources to provide direct services to children; and
- (c) Strategies to increase literacy, improve reading skills, encourage reading, and provide homework assistance.

(3) The state library commission shall give high priority to innovative models for providing services.

(4) The state library commission shall not award any single grant that exceeds twenty-five thousand dollars*

Renumber the following subsection consecutively.

Ms. Bowman spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6764 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Yotting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslce, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raifer, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 6764 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Engrossed Second Substitute Senate Bill No. 6610 on the second reading calendar. The motion was carried.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6610, by Committee on Ways & Means (originally sponsored by Senators Craswell, Rasmussen, Smith, Stratton, Johnson, Bailey, Smitherman and Anderson)

Revising provisions for at-risk youth.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 23, 1990.) Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Human Services.

Mr. Sayan moved adoption of the committee amendment by Committee on Human Services.

On motion of Mr. Moyer, the following amendment by Representatives Moyer and Sayan to the committee amendment was adopted:

On page 17, after line 20, insert the following:

*Sec. 21. Section 7, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 120, Laws of 1989, and by section 8, chapter 205, Laws of 1989 and by section 13, chapter 420, Laws of 1989 and RCW 71.05.020 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) 'Gravely disabled' means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, including but not limited to a chronic failure or refusal to take required medications, or (b) manifests severe deterioration in routine functioning

evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(2) 'Mental disorder' means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(3) 'Likelihood of serious harm' means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self, (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm, or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others;

(4) 'Peace officer' means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(5) 'Judicial commitment' means a commitment by a court pursuant to the provisions of this chapter;

(6) 'Public agency' means any evaluation and treatment facility or institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(7) 'Private agency' means any person, partnership, corporation, or association not defined as a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, hospital, or sanitarium, which is conducted for, or includes a department or ward conducted for the care and treatment of persons who are mentally ill;

(8) 'Attending staff' means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(9) 'Department' means the department of social and health services of the state of Washington;

(10) 'Resource management services' has the meaning given in chapter 71.24 RCW;

(11) 'Secretary' means the secretary of the department of social and health services, or ~~(his)~~ the secretary's designee;

(12) 'Mental health professional' means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(13) 'Professional person' shall mean a mental health professional, as above defined, and shall also mean a physician, registered nurse, and such others as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(14) 'Psychiatrist' means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(15) 'Psychologist' means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(16) 'Social worker' means a person with a master's or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary;

(17) 'Evaluation and treatment facility' means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and short term inpatient care to persons suffering from a mental disorder, and which is certified as such by the department of social and health services: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification: AND PROVIDED FURTHER, That no correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(18) 'Antipsychotic medications,' also referred to as 'neuroleptics,' means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders and currently includes phenothiazines, thioxanthenes, butyrophenone, dihydroindolone, and dibenzoxazine.

(19) 'Developmental disability' means that condition defined in RCW 71A.10.020(2);

(20) 'Developmental disabilities professional' means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(21) 'Habilitative services' means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental,

social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the individual being assisted as manifested by prior charged criminal conduct:

(22) 'Psychologist' means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(23) 'Social worker' means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

(24) 'Individualized service plan' means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge from involuntary confinement, and a projected possible date for discharge from involuntary confinement; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

Remember the remaining sections consecutively and correct any internal references accordingly.

On page 17, after line 20, insert the following:

"Sec. 22. Section 3, chapter 354, Laws of 1985 and RCW 71.34.030 are each amended to read as follows:

(1) Any minor thirteen years or older may request and receive outpatient treatment without the consent of the minor's parent. Parental authorization is required for outpatient treatment of a minor under the age of thirteen.

(2) When in the judgment of the professional person in charge of an evaluation and treatment facility there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility in accordance with the following requirements:

(a) A minor under thirteen years of age may only be admitted on the application of the minor's parent.

(b) A minor thirteen years or older may be voluntarily admitted by application of the parent. Such application must be accompanied by the written consent, knowingly and voluntarily given, of the minor if the minor is fifteen years or older.

(c) A minor thirteen years or older may, with the concurrence of the professional person in charge of an evaluation and treatment facility, admit himself or herself without parental consent to the evaluation and treatment facility, provided that notice is given by the facility to the minor's parent in accordance with the following requirements:

(i) Notice of the minor's admission shall be in the form most likely to reach the parent within twenty-four hours of the minor's voluntary admission and shall advise the parent that the minor has been admitted to inpatient treatment; the location and telephone number of the facility providing such treatment; and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for inpatient treatment with the parent.

(ii) The minor shall be released to the parent at the parent's request for release unless the facility files a petition with the superior court of the county in which treatment is being provided setting forth the basis for the facility's belief that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety.*

(iii) The petition shall be signed by the professional person in charge of the facility or that person's designee.

(iv) The parent may apply to the court for separate counsel to represent the parent if the parent cannot afford counsel.

(v) There shall be a hearing on the petition, which shall be held within three judicial days from the filing of the petition.

(vi) The hearing shall be conducted by a judge, court commissioner, or licensed attorney designated by the superior court as a hearing officer for such hearing. The hearing may be held at the treatment facility.

(vii) At such hearing, the facility must demonstrate by a preponderance of the evidence presented at the hearing that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety. The hearing shall not be conducted using the rules of evidence, and the admission or exclusion of evidence sought to be presented shall be within the exercise of sound discretion by the judicial officer conducting the hearing.

(d) Written renewal of voluntary consent must be obtained from the applicant and the minor (~~(thirteen)~~ fifteen years or older no less than once every twelve months.

(e) The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

(3) A notice of intent to leave shall result in the following:

(a) Any minor under the age of thirteen must be discharged immediately upon written request of the parent.

(b) Any minor (~~(thirteen)~~ fifteen years or older voluntarily admitted may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(c) The staff member receiving the notice shall date it immediately, record its existence in the minor's clinical record, and send copies of it to the minor's attorney, if any, the county-designated mental health professional, and the parent.

(d) The professional person in charge of the evaluation and treatment facility shall discharge the minor, (~~(thirteen)~~ fifteen years or older, from the facility within twenty-four hours after receipt of the minor's notice of intent to leave, unless the county-designated mental health professional files a petition for initial detention within the time prescribed by this chapter."

Renumber the remaining sections consecutively and correct any internal references accordingly.

The committee amendment by Committee on Human Services as amended was adopted.

With consent of the House, the following amendments by Representatives Moyer and Sayan to the committee amendment to the title were adopted:

On page 1, line 3 of the title, strike "and 13.32A.160" and insert "13.32A.160, and 71.34.030"

On page 1, line 4 of the title, after "13.32A.250" insert "and 71.05.020"

With consent of the House, the committee amendment as amended to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sayan, K. Wilson and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6610 as amended by the House, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Second Substitute Senate Bill No. 6610 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6639, by Committee on Ways & Means (originally sponsored by Senators McDonald, McMullen, Bluechel, Niemi, Patrick, Warnke, Metcalf, Vognild, Bailey, Conner, Talmadge, Rinehart, Williams, Murray, Moore and von Reichbauer)

Authorizing a real estate excise tax for the acquisition of conservation areas.

The bill was read the second time. Committee on Revenue recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 50th Day, February 26, 1990.)

Mr. Wang moved adoption of the committee amendment.

On motion of Mr. Wang, the following amendment by Representatives Wang, Spanel, Youngsman, Ferguson, Fuhrman and Morris to the committee amendment was adopted:

On page 5 of the amendment, beginning on line 23, strike all of subsection (3).

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang, Youngsman and Spanel spoke in favor of passage of the bill, and Representatives Holland and Basich spoke against it. Mr. Youngsman again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6639 as amended by the House, and the bill passed the House by the following vote: Yeas, 52; nays, 44; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Belcher, Betzoff, Brekke, Brooks, Brough, Cantwell, Cole, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Gallagher, Haugen, Hine, Jacobsen, Jones, King R, Kremen, Leonard, Locke, Miller, Nelson, O'Brien, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Wood, Youngsman, and Mr. Speaker - 52.

Voting nay: Representatives Basich, Baugher, Beck, Bennett, Bowman, Brumsickle, Cooper, Crane, Day, Doty, Forner, Fuhrman, Grant, Hankins, Hargrove, Heavey, Holland, Horn, Inslee, Jesernig, King P, Kirby, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nutley, Padden, Peery, Rayburn, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Winsley, Wolfe, Zellinsky - 44.

Absent: Representative Braddock - 1.

Substitute Senate Bill No. 6639 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Ebersole, Engrossed Substitute Senate Bill No. 6417 was made a special order of business for 4:59 p.m. today.

POINT OF ORDER

Ms. Brough: Thank you, Mr. Speaker. On the last vote, Substitute Senate Bill No. 6639, there was a member present on the floor of the House who did not vote. I would like Representative Braddock to be on record.

SPEAKER'S RULING

The Speaker: I am sorry, Representative Brough. Your eyesight apparently is keen, but I carefully surveyed the Chamber and did not see Representative Braddock within the bar. Your point is not well taken.

POINT OF ORDER

Ms. Brough: Thank you, Mr. Speaker. It would be appropriate for Representative Braddock to state publicly how he would have voted. Mr. Speaker, we have a House Rule that all members ...

SPEAKER'S RULING

The Speaker: You are absolutely out of order, Representative Brough.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6608, by Committee on Law & Justice (originally sponsored by Senators Nelson, McMullen, Patrick, Smitherman and Madsen)

Pertaining to enforcement of traffic violations.

The House resumed consideration of Engrossed Substitute Senate Bill No. 6608 on second reading. (For previous action, see today's Journal.)

The Speaker stated the question before the House to be the Point of Order by Representative P. King regarding the scope and object of the amendment by Representative Crane.

SPEAKER'S RULING

The Speaker: Representative King, the underlying bill appears to deal with failure to appear and respond to traffic infractions. The floor amendment deals with prohibiting cities, towns and counties from establishing penalties for crimes that are inconsistent with state prescribed penalties. It appears to me that the amendment clearly broadens the original scope of the bill and is outside the scope and object of the original bill.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6608, and the bill passed the House by the following vote: Yeas, 92; nays, 4; absent, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Berozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Hankins, Hargrove, Padden, Wolfe - 4.

Absent: Representative Sommers H - 1.

Engrossed Substitute Senate Bill No. 6608, having received the constitutional majority, was declared passed.

SPECIAL ORDER OF BUSINESS

The hour of 4:59 p.m. having arrived, the Speaker declared the question before the House to be the special order of business, Engrossed Substitute Senate Bill No. 6417 on second reading.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6417, by Committee on Ways & Means (originally sponsored by Senators McDonald, Vognild, Bluechel, Saling, Nelson, Rasmussen, Gaspard, Johnson, Sellar, Bailey and Conner; by request of Governor)

Adopting the supplemental capital budget.

The bill was read the second time.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Ms. H. Sommers moved adoption of the following amendment by Representatives H. Sommers and Schoon:

Strike everything after the enacting clause and insert the following:

'Sec. 1. Section 2, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

As used in this act, the following phrases have the following meanings:

'CEP & RI Acct' means Charitable, Educational, Penal, and Reformatory Institutions Account;

'CWU Cap Proj Acct' means Central Washington University Capital Projects Account;

'Cap Bldg Constr Acct' means Capitol Building Construction Account;

'Cap Purch & Dev Acct' means Capitol Purchase and Development Account;

'Capital improvements' or 'capital projects' means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

'Common School Constr Fund' means Common School Construction Fund;

'Drug Enf & Ed Acct' means Drug Enforcement and Education Account;

'DSHS Constr Acct' means State Social and Health Services Construction Account;

- 'ESS Rail Assis Acct' means essential rail assistance account;
- 'ESS Rail Bank Acct' means essential rail bank account;
- 'EWU Cap Proj Acct' means Eastern Washington University Capital Projects Account;
- 'East Cap Deve! Acct' means east campus development account;
- 'Fish Cap Proj Acct' means Fisheries Capital Projects Account;
- 'For Dev Acct' means Forest Development Account;
- 'Game Spec Wildlife Acct' means Game Special Wildlife Account;
- 'H Ed Constr Acct' means Higher Education Construction Account 1979;
- 'H Ed Reimb S/T bonds Acct' means Higher Education Reimbursable Short-Term Bonds Account;
- 'Hndcp Fac Constr Acct' means Handicapped Facilities Construction Account;
- 'K-12 Education Acct' means the 'children's initiative fund—K-12 education account' created by Initiative 102 if Initiative 102 is enacted;
- 'L & I Constr Acct' means Labor and Industries Construction Account;
- 'LIRA' means State and Local Improvement Revolving Account;
- 'LIRA, DSHS Fac' means Local Improvements Revolving Account—Department of Social and Health Services Facilities;
- 'LIRA, Public Rec Fac' means State and Local Improvement Revolving Account—Public Recreation Facilities;
- 'LIRA, Waste Disp Fac' means State and Local Improvement Revolving Account—Waste Disposal Facilities;
- 'LIRA, Waste Fac 1980' means State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;
- 'LIRA, Water Sup Fac' means State and Local Improvement Revolving Account—Water supply facilities;
- 'Lapse' or 'revert' means the amount shall return to an unappropriated status;
- 'Local Jail Imp & Constr Acct' means Local Jail Improvement and Construction Account;
- 'ORA' means Outdoor Recreation Account;
- 'ORV' means off road vehicle;
- 'Provided solely' means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert;
- 'Public Safety and Education Acct' means Public Safety and Education Account;
- 'Res Mgmt Cost Acct' means Resource Management Cost Account;
- 'Sal Enhmt Constr Acct' means Salmon Enhancement Construction Account;
- 'St Bldg Constr Acct' means State Building Construction Account;
- 'St Fac Renew Acct' means State Facilities Renewal Account;
- 'St H Ed Constr Acct' means State Higher Education Construction Account;
- 'State Emerg Water Proj Rev' means Emergency Water Project Revolving Account—State;
- 'TESC Cap Proj Acct' means The Evergreen State College Capital Projects Account;
- 'UW Bldg Acct' means University of Washington Building Account;
- 'Unemp Comp Admin Acct' means Unemployment Compensation Administration Account;
- 'WA St Dev Loan Acct' means Washington State Development Loan Account;
- 'WSP Constr Acct' means Washington State Patrol Construction Account—State;
- 'WSU Bldg Acct' means Washington State University Building Account;
- 'WWU Cap Proj Acct' means Western Washington University Capital Projects Account.

PART 1

GENERAL GOVERNMENT

NEW SECTION, Sec. 101. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT
 Technical review of capital projects (90-5-010)

	Reappropriation	Appropriation
General Fund—State		215,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		215,000

NEW SECTION, Sec. 102. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Local jail facilities assistance

The appropriation in this section is subject to the following conditions and limitations:

- (1) This appropriation is provided solely for grants to local governments for construction and expansion of jail facilities.
- (2) The grants shall not exceed an amount equal to sixty-six percent of the cost per bed, up to a maximum of \$12,000 per bed, created or added to a jail facility.
- (3) Before receiving a grant, an applicant shall demonstrate an ability to complete the construction or expansion of the jail facility.

(4) The office of financial management shall develop eligibility criteria for grants, in order to award grants based on highest need. The criteria shall include a requirement for a local jail management plan to reduce the local jail inmate population.

(5) The office of financial management shall establish an advisory board to develop criteria for awarding grants for jail facilities.

(6) This appropriation is null and void if an appropriation for the same purpose is provided in Substitute House Bill No. 2388, and if the bill is enacted by June 30, 1990.

	Reappropriation	Appropriation
St Bldg Constr Acct		14,400,000
	<u>Prior Biennia</u>	<u>Total</u>
	253,000,000	267,400,000
	<u>Future Biennia</u>	

Sec. 103. Section 121, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Northern state repairs (90-1-012)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation from the charitable, educational, penal, and reformatory institutions account shall be used solely for developing a long-range plan for the use of the Northern State Hospital facility. The plan shall be developed cooperatively with the department of social and health services and in consultation with affected local communities. The study shall be submitted to the office of financial management and the legislature by January 8, 1990.

(2) The appropriation from the state building construction account shall be used for asbestos abatement in residence facilities currently in use and for electrical repairs.

	Reappropriation	Appropriation
CEP & RI Acct		100,000
St Bldg Constr Acct		(966,000)
		<u>1,244,000</u>
	<u>Prior Biennia</u>	<u>Total</u>
		(1,666,000)
	<u>Future Biennia</u>	<u>1,344,000</u>

NEW SECTION. Sec. 104. A new section is added to chapter 12, Laws of 1989 ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Criminal justice training center

The appropriations in this section are subject to the following conditions and limitations:

(1) These appropriations are provided solely for the acquisition of and capital improvements to a multipurpose facility to be used by the criminal justice training commission for its educational programs and by other state agencies for meetings and other appropriate uses as determined by the department of general administration.

(2) The department shall negotiate a price for the property and make the balance of the appropriation available for improvements necessary for the facility to meet the educational needs of the criminal justice training commission.

	Reappropriation	Appropriation
St Bldg Constr Acct		11,000,000
Public Safety and Education Acct		3,000,000
	<u>Prior Biennia</u>	<u>Total</u>
	<u>Future Biennia</u>	14,000,000

Sec. 105. Section 138, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multi-Service Center

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the renovation of buildings to provide long-term care for the mentally ill.

(2) No moneys from this appropriation may be expended until the department secures a lease with a county or a group of counties ~~((for the buildings to be renovated;))~~ for the purpose of operating a ~~((long-term care))~~ facility for the mentally ill.

(3) No moneys from this appropriation may be expended prior to ~~((adoption of a plan))~~ approval of a plan by the department of social and health services to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

	Reappropriation	Appropriation
St Bldg Constr Acct		2,500,000
	<u>Prior Biennia</u>	<u>Total</u>
	<u>Future Biennia</u>	2,500,000

Sec. 106. Section 125, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building exterior repairs and renovation (90-2-006)

Cap Bldg Constr Acct	Reappropriation	Appropriation
St Bldg Constr Acct		1,426,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,340,000	193,000
		((2,766,666))
		<u>2,959,000</u>

NEW SECTION, Sec. 107. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT
HVAC reappropriation (89-2-001)

St Bldg Constr Acct	Reappropriation	Appropriation
	274,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		274,000

Sec. 108. Section 142, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT
Constr watercraft supt training complex (86-1-003)

The appropriations in this section are subject to the following conditions and limitations:

((+)) The state building construction account appropriation is provided solely for the acquisition of a 50-year lease from the Port of Tacoma.

~~((2) The office of financial management shall not allot any portion of this appropriation unless it first determines that an agreement between the military department and the federal department of defense for the release of the property on Ruston Way in Tacoma provides that ownership of the property will be conveyed in fee simple to the state.~~

~~((3) It is the intent of the legislature that once the state owns the Ruston Way property, the property shall be available for sale in order to recover the cost of the 50-year lease.))~~

General fund—Federal	Reappropriation	Appropriation
St Bldg Constr Acct		6,885,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,640,000	5,500,000	1,300,000
	PART 2	15,324,000

HUMAN RESOURCES

NEW SECTION, Sec. 201. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Asian counseling and referral service (90-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation shall be used for building renovation costs only.

(2) The Asian counseling and referral service shall continue to provide uncompensated community services.

St Bldg Constr Acct	Reappropriation	Appropriation
		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000

NEW SECTION, Sec. 202. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Seventh Street Theatre

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the repair and renovation of an historic theatre in Hoquiam.

(2) No entity may receive any portion of this appropriation unless it agrees to provide at least an equal matching amount from nonstate sources for the same purpose.

St Bldg Constr Acct	Reappropriation	Appropriation
		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		250,000

NEW SECTION, Sec. 203. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
A contemporary theater

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the construction of a new theater in Seattle.

(2) No entity may receive any portion of this appropriation unless it agrees to provide at least \$9,000,000, including the value of land, from nonstate sources for the same purpose.

St Bldg Constr Acct	Reappropriation		Appropriation
	<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
			1,000,000
			1,000,000

Sec. 204. Section 218, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

~~((Purchase of the Last Territorial Governor's House))~~ Liberty Theatre

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources, including in-kind contributions, for each four dollars spent from this appropriation.~~

~~(2) A nonprofit organization shall be formed for the purpose of spending this appropriation and operating the territorial governor's house.~~

~~(3) The purchase price shall not exceed an independently appraised value))~~ This appropriation is provided solely for the renovation of an historic theater in Walla Walla.

(2) No entity may receive any portion of this appropriation unless it agrees to provide at least \$190,000 from nonstate sources for the same purpose.

St Bldg Constr Acct	Reappropriation		Appropriation
	<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
			200,000
			200,000

Sec. 205. Section 203, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Endangered landmark buildings (88-2-009)

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~((600,000 is provided solely to be used by the department to purchase and hold for brief periods landmark buildings which might otherwise be lost or altered, and to resell those buildings with the proceeds from the sale deposited in the endangered landmark preservation fund))~~ \$50,000 of this appropriation may be used in conjunction with \$100,000 from the endangered landmark preservation fund for matching grants-in-aid under RCW 27.34.220.

~~(2) ((This appropriation is contingent on an equal amount being provided from nonstate sources on a project by project basis.~~

~~(3) if legislation creating the landmarks preservation fund and establishing the endangered landmarks preservation program in statute is not adopted by the legislature by July 1, 1990, any moneys remaining from the appropriation in this section shall lapse))~~ No entity may receive any portion of this appropriation unless it agrees to provide at least an equal matching amount from nonstate sources for the same purpose.

St Bldg Constr Acct	Reappropriation		Appropriation
	<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
			((600,000))
			350,000
			((600,000))
			350,000

Sec. 206. Section 209, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Public works trust fund (90-2-001)

The appropriations in this section are subject to the following conditions and limitations:

The appropriations are provided solely for public works projects recommended by the public works board and approved by the legislature under chapter 43.155 RCW.

Pub Works Asst Acct	Reappropriation		Appropriation
	<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
			61,627,871
			((78,241,000))
			86,957,000
			((327,623,073))
			336,339,873

NEW SECTION. Sec. 207. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Spokane Falls community college athletic track

The appropriation in this section is subject to the following conditions and limitations: No entity may receive any portion of this appropriation unless it agrees to provide at least an equal matching amount from nonstate sources for the same purpose.

St Bldg Constr Acct	Reappropriation		Appropriation
	<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
			283,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u> 283,000
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NEW SECTION, Sec. 208. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
Spokane food bank freezer

	Reappropriation	Appropriation 100,000
St Bldg Constr Acct		<u>Total</u> 100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	

Sec. 209. Section 282, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center implement master plan (88-2-003)

The appropriation in this section is subject to the following conditions and limitations: Monies in this appropriation shall not be expended until the master plan has been submitted to the legislative fiscal committees and the office of financial management has reported to the committees that satisfactory progress has been made on receiving approval of the environmental impact statement, selecting mainland parking facility, and selecting mainland ferry terminal.

	Reappropriation	Appropriation ((4,377,000)) 33,231,000
St Bldg Constr Acct		<u>Total</u> ((32,998,000)) 48,263,800
<u>Prior Biennia</u>	<u>Future Biennia</u>	
621,000	((28,000,000)) 48,263,800	((32,998,000)) 82,115,800

NEW SECTION, Sec. 210. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Facilities master plan

The appropriation in this section is subject to the following conditions and limitations: The department shall develop a facilities master plan for the correctional system to improve the efficiency of the system and to accommodate the increasing number and changing needs of the inmate population. Specific plans for women and geriatric inmates, a reception center, and work release facilities shall be included in the master plan.

	Reappropriation	Appropriation 200,000
St Bldg Constr Acct		<u>Total</u> 200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	

Sec. 211. Section 297, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

~~((Clallam Bay corrections center double ceiling and program area renovations)) Clallam Bay Corrections Center expansion (90-5-026)~~

	Reappropriation	Appropriation ((4,071,000)) 25,301,500
St Bldg Constr Acct		<u>Total</u> ((4,071,000)) 25,301,500
<u>Prior Biennia</u>	<u>Future Biennia</u>	

NEW SECTION, Sec. 212. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Open new regional camps (90-2-001)

The appropriation in this section is provided for the design and construction and/or acquisition of new minimum security camps.

	Reappropriation	Appropriation 59,872,300
St Bldg Constr Acct		<u>Total</u> 59,872,300
<u>Prior Biennia</u>	<u>Future Biennia</u>	

NEW SECTION, Sec. 213. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center double-bunking (90-2-002)

	Reappropriation	Appropriation 172,600
St Bldg Constr Acct		<u>Total</u> 172,600
<u>Prior Biennia</u>	<u>Future Biennia</u>	

NEW SECTION, Sec. 214. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington state penitentiary—Minimum security unit double-bunking (90-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,209,600
	<u>Future Biennia</u>	<u>Total</u>
<u>Prior Biennia</u>		1,209,600

NEW SECTION, Sec. 215. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Twin Rivers Corrections Center double-bunking (90-2-004)

	Reappropriation	Appropriation
St Bldg Constr Acct		2,844,000
	<u>Future Biennia</u>	<u>Total</u>
<u>Prior Biennia</u>		2,844,000

NEW SECTION, Sec. 216. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington state penitentiary—Medium security complex double-bunking (90-2-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,127,500
	<u>Future Biennia</u>	<u>Total</u>
<u>Prior Biennia</u>		1,127,500

NEW SECTION, Sec. 217. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Clearwater/Olympic 100 bed expansion (90-2-006)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,854,000
	<u>Future Biennia</u>	<u>Total</u>
<u>Prior Biennia</u>		1,854,000

NEW SECTION, Sec. 218. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Cedar Creek Corrections Center 100 bed expansion (90-2-007)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,740,000
	<u>Future Biennia</u>	<u>Total</u>
<u>Prior Biennia</u>		1,740,000

NEW SECTION, Sec. 219. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington state penitentiary—Six and eight wing emergency capacity (90-2-014)

	Reappropriation	Appropriation
St Bldg Constr Acct		131,700
	<u>Future Biennia</u>	<u>Total</u>
<u>Prior Biennia</u>		131,700

NEW SECTION, Sec. 220. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Eastern Washington prerelease emergency capacity (90-2-015)

	Reappropriation	Appropriation
St Bldg Constr Acct		61,800
	<u>Future Biennia</u>	<u>Total</u>
<u>Prior Biennia</u>		61,800

NEW SECTION, Sec. 221. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Forestry camps 1 & 2: Expand from 200 to 300 beds (90-5-027)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,819,900
Drug Enf & Ed Acct		7,106,000
	<u>Future Biennia</u>	<u>Total</u>
<u>Prior Biennia</u>		11,925,900

PART 3
NATURAL RESOURCES

NEW SECTION, Sec. 301. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
Westhaven comfort station replacement (89-2-119)

	Reappropriation	Appropriation
St Bldg Constr Acct		423,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		423,000

NEW SECTION, Sec. 302. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Worden balloon hangar (90-5-004)

The appropriation in this section is subject to the following conditions and limitations: Expenditures from this appropriation shall be matched by at least \$1,100,000 from nonstate sources.

	Reappropriation	Appropriation
St Bldg Constr Acct		500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		500,000

NEW SECTION, Sec. 303. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
John Wayne Trail---Tunnel 47 safety improvements (91-1-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		196,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		196,000

Sec. 304. Section 320, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
West Hylebos---Acquisition and development (86-4-013)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the necessary construction contract is not entered into by June 30, ((1990)) 1991.

	Reappropriation	Appropriation
St Bldg Constr Acct	195,595	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
177		195,772

Sec. 305. Section 357, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
Maryhill---Development (88-5-035)

The appropriation in this section is subject to the following conditions and limitations: Not more than \$75,000 may be used to contract with the department of community development to conduct archeological and cultural resource studies in connection with the development of property along the Columbia river.

	Reappropriation	Appropriation
St Bldg Constr Acct	1,025,798	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
50,202		1,076,000

NEW SECTION, Sec. 306. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
Colville Tribes Interpretive Center

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely to the state parks and recreation commission to help the Confederated Tribes of the Colville Indian Reservation complete a plan for an interpretive center to depict the heritage of the eleven bands forming the federation and for a memorial to Chief Joseph.

(2) The commission shall submit the plan to the governor and the legislature.

	Reappropriation	Appropriation
Trust Lands Purchase Acct		25,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		25,000

NEW SECTION, Sec. 307. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Olympic Academy (91-5-001)

The appropriation in this section is subject to the following conditions and limitations: Expenditures from this appropriation may not exceed fifteen percent of the total cost of constructing the facility, including the value of donated property.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,500,000
		3,500,000

Sec. 308. Section 407, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Towhead Island public access—Renovation (86-2-028)

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall lapse if construction has not begun by (~~June 30, 1990~~) March 31, 1991.

ORA—Federal	Reappropriation	Appropriation
ORA—State	20,000	
	191,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		211,000

Sec. 309. Section 415, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Hood Canal boat access development (86-3-035)

The appropriations in this section are subject to the following conditions and limitations: If not expended by (~~June 30~~) December 31, 1990, the appropriations in this section shall lapse.

General Fund—Federal	Reappropriation	Appropriation
ORA—Federal	30,000	
ORA—State	270,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		(300,000)
		471,000

Sec. 310. Section 428, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Columbia River—Fishing access (88-5-014)

The appropriation in this section is subject to the following condition and limitation: The appropriation shall lapse if necessary permits have not been obtained by (~~December 31, 1989~~) June 30, 1990.

St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
129,000	186,000	315,000

Sec. 311. Section 459, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Wildlife area repair and development (90-2-016)

Wildlife Acct—State	Reappropriation	Appropriation
		(250,000)
		265,000
<u>Wildlife Acct—Federal</u>	<u>Future Biennia</u>	<u>Total</u>
<u>Prior Biennia</u>	500,000	45,000
		(750,000)
		810,000

NEW SECTION. Sec. 312. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Office repair/renovation/remodel (90-2-020)

The appropriation in this section is subject to the following conditions and limitations: No portion of this appropriation may be expended for the expansion, renovation, or remodeling of facilities in Olympia, with the exception of the remodel of the Olympia warehouse.

Wildlife Acct—State	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		580,000
		580,000

Sec. 313. Section 469, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Regional Office Facilities Relocation—Purchase or Construct (90-2-021)

The appropriation in this section is subject to the following conditions and limitations: If the site selected for the new Spokane office is a site that was owned by the department as of January 1, 1990, \$75,000 of the appropriation shall lapse.

Wildlife Acct—State	Reappropriation	Appropriation (425,000)
		<u>1,610,000</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		(425,000)
		<u>1,610,000</u>

NEW SECTION. Sec. 314. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

State trust land transfer (90-2-001)

This appropriation is for the acquisition in fee of common school trust lands and timber throughout the state as determined by the board of natural resources.

The appropriation in this section is subject to the following conditions and limitations:

(1) The lands and timber acquired under this section shall be managed under either chapter 79.70 or 79.71 RCW, as determined by the board of natural resources;

(2) The land and timber shall be separately appraised and shall be acquired at full market value;

(3) The trust land to be acquired shall be replaced, by transfer, with real property of equal value purchased with this appropriation. The replacement timber land shall be managed as common school trust land to maintain a sustainable yield;

(4) The department shall attempt to maintain an aggregate ratio of 92:8 timber value to land value in these transactions;

(5) Intergrant transfers, between common school and noncommon school trust lands of equal value, may occur, if the noncommon school trust land meets the criteria established by the department for selection of sites and if the exchange is in the interest of both trusts;

(6) The proceeds of the sale of timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands except that no deductions may be made for the resource management cost account under RCW 79.64.040;

(7) \$20,000,000 of this appropriation is provided solely to acquire common school trust lands that have been identified in the state parks and recreation commission's 1989 agreement with the department of natural resources as appropriate for state park use. The amount provided in this subsection shall be reduced by an amount equal to any portion from the \$8,000,000 in proceeds of bonds authorized by chapter 14, Laws of 1989 1st ex. sess. that is expended pursuant to section 401(3) of this act for the same purpose as the purpose of this subsection; and

(8) This appropriation is null and void if an appropriation for the same purpose is provided in Substitute Senate Bill No. 6407, and if the bill is enacted by June 30, 1990.

General Fund—State	Reappropriation	Appropriation 42,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		42,000,000

Sec. 315. Section 510, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Timber—Fish—Wildlife (88-2-021)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the orphan roads are not identified by September 30, 1989, and construction begun by (~~December 31, 1989~~) September 1, 1990.

St Bldg Constr Acct	Reappropriation	Appropriation 262,500
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
37,500		300,000

Sec. 316. Section 519, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation site renovation (89-3-001)

The appropriations in this section are subject to the following conditions and limitations: If not expended by (~~June~~) September 30, 1990, the appropriations in this section shall lapse.

St Bldg Constr Acct	Reappropriation	Appropriation 550,100
ORA—State		561,100

Prior Biennia
36,800

Future Biennia

Total
1,148,000

Sec. 317. Section 394, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Grants to public agencies' recreation projects (90-2-001)

The appropriations in this section are subject to the following conditions and limitations: \$765,000 of the state building and construction account appropriation is provided solely for a grant to Chelan county for the purpose of acquiring Ohme Gardens and making necessary safety and irrigation improvements to that property. The property shall be operated by Chelan county at county expense. The operating expenses provided by the county shall be considered matching funds to this grant.

	Reappropriation	Appropriation
St Bldg Constr Acct		((560,000))
		1,265,000
ORA—Federal	150,000	800,000
ORA—State	1,068,604	6,436,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
21,513,197	12,000,000	((42,467,001))
		43,232,801

NEW SECTION. Sec. 318. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Acquisition of wildlife conservation and recreation lands

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) \$22,500,000 of the appropriation from the habitat conservation account shall be expended in the following manner:

(i) At least thirty-five percent for the acquisition and development of critical habitat;

(ii) At least twenty percent for the acquisition and development of natural areas;

(iii) At least fifteen percent for the acquisition and development of urban wildlife habitat; and

(iv) The remaining amount shall be considered unallocated and shall be used by the committee to fund high-priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat;

(b) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under (a) (i), (ii), and (iv) of this subsection; and

(c) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under (a) (iii) and (iv) of this subsection.

(2) (a) \$22,500,000 of the appropriation from the outdoor recreation account shall be expended in the following manner:

(i) At least twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs;

(ii) At least twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(iii) At least fifteen percent for the acquisition and development of trails;

(iv) At least ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(v) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high-priority acquisition and development needs for parks, trails, and water access sites;

(b) Only local agencies may apply for acquisition, development, or renovation funds for local parks under (a)(ii) of this subsection; and

(c) State and local agencies may apply for funds for trails under (a)(iii) of this subsection.

(3) No more than half of these appropriations may be expended until the governor and the legislature have made a finding in legislation that the state can adequately provide for the critical capital needs of education, mental health institutions, and corrections facilities.

(4) This appropriation may not be used to transfer land from one state agency to another if that transfer will result in the transferred land being subject to payments for property tax or any consideration in lieu of property taxes.

(5) No local agency may receive any portion of this appropriation unless it agrees to provide at least an equal matching amount from nonstate sources for the same purpose.

	Reappropriation	Appropriation
Habitat Conservation Acct		22,500,000
ORA		22,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		45,000,000

NEW SECTION, Sec. 319. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
North Creek Regional Park

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for a grant for the acquisition and development of a regional park in Snohomish County.

(2) No entity may receive any portion of this appropriation unless it agrees to provide at least an equal matching amount from nonstate sources for the same purpose.

	Reappropriation	Appropriation
St Bldg Constr Acct		442,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		442,000

PART 4
EDUCATION

Sec. 401. Section 708, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1989 (90-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$1,050,000 may be spent for state administration of school construction funding.

(2) ~~\$(66,136,000))~~ 93,028,000 is provided solely for modernization projects previously approved by the state board of education.

(3) The appropriation in this section includes proceeds of the issuance of bonds authorized for deposit in the common school construction fund by chapter 3, Laws of 1987 1st ex. sess., and ten million dollars in ~~((additional))~~ state bonds authorized by chapter 14, Laws of 1989 1st ex. sess. Of the proceeds of bonds authorized by chapter 14, Laws of 1989 1st ex. sess., \$8,000,000, or as much thereof as may be necessary, shall be compensation to the common school construction fund for the sale of timber from common school trust lands sold to the parks and recreation commission pursuant to RCW 43.51.270, and authorized for sale by the legislature prior to January 1, 1989.

(4) The state board shall review current rules and administrative procedures, and shall amend or revise these rules and procedures to address the following concerns:

(a) The discrepancy between the forecasted enrollments used for determining state funding for school construction, and the state-wide growth trends predicted by the office of financial management;

(b) The infrequency of cooperative use of surplus space available in neighboring districts;

(c) The creation of new construction needs by school districts by selling or demolishing schools, or by redesignating grade space or administrative use of school buildings;

(d) The incentive to condemn useable schools to secure state funding, rather than awaiting uncertain support for modernization;

(e) Greater needs for replacement of decaying schools caused by deferral of modernization, at a higher long-term cost to the state and local districts;

(f) The potential of district boundary changes for the purpose of achieving more efficient use of facilities; and

(g) The potential of the state to recover its share of the value of sold school buildings that were built with state matching moneys.

Prior to September 15, 1989, the state board of education shall report to the capital facilities and financing committee of the house of representatives and the ways and means committee of the senate on the actions taken or rules adopted by the board to address these concerns.

(5) \$11,748,039 is provided solely for vocational-technical institute projects previously approved by the state board of education.

	Reappropriation	Appropriation
Common School Constr Fund		((252,097,000))
		<u>361,165,000</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		((252,097,000))
		<u>361,165,000</u>

Sec. 402. Section 710, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Common school disbursement limit

The appropriations in sections 701 through 709, chapter 12, Laws of 1989 1st ex. sess. as amended by this 1990 act are subject to the following conditions and limitations: A maximum of ~~\$(254,900,000))~~ 367,540,000 from the total of these appropriations may be disbursed during the 1989-91 biennium.

Sec. 403. Section 718, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

((~~Wheelchair lifts~~)) Outside elevators—Clark Hall, vocational, Northrup School (90-2-003)

St Bldg Constr Acct

Reappropriation	Appropriation
	((147,100))
	<u>297,100</u>

Prior Biennia

Future Biennia

Total
((147,100))
<u>297,100</u>

NEW SECTION, Sec. 404. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

K-wing addition (90-1-001)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts.

Higher Ed Constr Acct

Reappropriation	Appropriation
	45,000,000
	<u>Total</u>
	45,000,000

Prior Biennia

Future Biennia

NEW SECTION, Sec. 405. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Physics building site prep

St Bldg Constr Acct

Reappropriation	Appropriation
	3,623,000
	<u>Total</u>
	3,623,000

Prior Biennia

Future Biennia

NEW SECTION, Sec. 406. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR WASHINGTON STATE UNIVERSITY

Washington Higher Education Telecommunications System (WHETS)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,755,000 is provided solely to convert one of two analog channels to digital.

(2) \$94,000 is provided solely to equip one new WHETS classroom at the Southwest Washington branch campus.

(3) \$112,000 is provided solely for equipment necessary to offer nursing classes on the system.

WSU Bldg Acct

Reappropriation	Appropriation
	2,961,000
	<u>Total</u>
	2,961,000

Prior Biennia

Future Biennia

NEW SECTION, Sec. 407. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Seventh Street replacement (90-3-001)

EWU Capital Projects

Reappropriation	Appropriation
	338,000
	<u>Total</u>
	338,000

Prior Biennia

Future Biennia

NEW SECTION, Sec. 408. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Minor works—Facilities renewal (90-3-002)

EWU Capital Projects

Reappropriation	Appropriation
	1,167,000
	<u>Total</u>
	1,167,000

Prior Biennia

Future Biennia

Sec. 409. Section 801, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Life safety—Code compliance (88-1-001)

St Bldg Constr Acct

Reappropriation	Appropriation
172,000	((819,000))
	<u>1,175,000</u>
	<u>Total</u>

Prior Biennia

Future Biennia

1,012,000

~~((2,003,000))~~
2,359,000

Sec. 410. Section 805, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE
Failed systems (90-2-001)

St Bldg Constr Acct	Reappropriation	Appropriation
		((544,070))
		769,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
		((544,070))
		769,000

Sec. 411. Section 812, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY
Minor works request/small repairs and improvements (90-1-004)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget, except that \$486,000 may be used to acquire property identified in the campus master plan.

WWU Cap Proj Acct	Reappropriation	Appropriation
	2,503,000	3,900,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
8,948,481	12,000,000	27,351,481

NEW SECTION, Sec. 412. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE LIBRARY

Library for the Blind and Physically Handicapped planning costs

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to develop a plan for an alternative facility for the library for the blind and physically handicapped. The plan may anticipate that the state will contribute funds for a building to be owned and managed by the city of Seattle, in exchange for permanent rent-free space for library services for the blind and physically handicapped. The department of general administration, in cooperation with the state library, shall provide support for an analysis of facilities options and development of construction plans by the city of Seattle and the Seattle public library. The plan developed under this section shall include the recommendations of the department of general administration and the state library with respect to state participation in the project. If appropriate, the analysis may include consideration of alternatives to construction of a city-owned building, such as the purchase or lease of an existing facility. The plan shall address the interests of both the city and the state, how the facility will be used and managed, costs, and timing of the project. The plan shall be submitted to the governor and the legislature.

General Fund—State	Reappropriation	Appropriation
		75,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
		75,000

PART 5
MISCELLANEOUS

NEW SECTION, Sec. 501. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

(1) The department of ecology may enter into a financing contract in the principal amount of \$53,000,000 plus financing costs and required reserves pursuant to chapter 39.94 RCW for the purpose of acquiring the site, designing, and constructing a Thurston county headquarters for the department.

(2) The Evergreen State College may enter into a financing contract in the principal amount of \$800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purpose of expanding the college activities building. Payments under the contract shall be made from student activity fees.

(3) Spokane Community College may enter into a financing contract in the principal amount of \$75,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purpose of converting an existing lease of a central storage facility for the college.

(4) Spokane Community College may enter into a financing contract in the principal amount of \$161,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purpose of converting an existing lease of a hangar at Felts field which houses a portion of an aircraft mechanics vocational training program.

NEW SECTION. Sec. 502. 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. 503. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Ms. H. Sommers moved adoption of the following amendment to the amendment:

On page 4, line 25, after "Bill No." strike "2388" and insert "2833"

Ms. H. Sommers spoke in favor of adoption of the amendment to the amendment, and it was adopted.

Mr. Vekich moved adoption of the following amendment by Representatives Vekich, R. Meyers, Zellinsky, Schmidt, Sayan, Schoon, Pruitt and Kremen to the amendment:

On page 9, after line 28, insert:

NEW SECTION. Sec. 209. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Bremerton naval heritage redevelopment project

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the siting of the naval destroyer U.S.S. Turner Joy in conjunction with the waterfront redevelopment project.

(2) No entity may receive any portion of this appropriation unless it agrees to provide an equal matching amount from nonstate sources, including in-kind contributions, for the same purpose.

	Reappropriation	Appropriation
St Bldg Constr Acct		256,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		256,000*

Renumber sections consecutively and correct internal references accordingly.

Representatives Vekich, Schoon, Zellinsky and Schmidt spoke in favor of adoption of the amendment to the amendment, and it was adopted.

Mr. Peery moved adoption of the following amendment by Representatives Peery, H. Myers and H. Sommers to the amendment:

On page 9, after line 28, insert:

NEW SECTION. Sec. 209. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Klickitat dredge spoil project

The appropriation in this section is subject to the following conditions and limitations:

(1) The port of Klickitat shall sign an agreement to repay amounts received from this appropriation plus interest in eight annual installments beginning July 1, 1993.

(2) Expenditure of moneys from this appropriation is contingent on \$300,000 from port district funds being provided for the project.

	Reappropriation	Appropriation
St Bldg Constr Acct		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		250,000*

Renumber sections consecutively and correct internal references accordingly.

Representatives Peery and Doty spoke in favor of adoption of the amendment to the amendment, and Mr. Schoon spoke against it. The amendment to the amendment was adopted.

Ms. H. Sommers moved adoption of the following amendments to the amendment:

On page 10, line 33 of the amendment, strike "59,872,300" and insert "46,905,200"

On page 10, line 35 of the amendment, strike "59,872,300" and insert "46,905,200"

Representatives H. Sommers and Schoon spoke in favor of adoption of the amendments to the amendment, and they were adopted.

Ms. H. Sommers moved adoption of the following amendment by Representatives H. Sommers, Leonard and Morris to the amendment:

On page 12, after line 23, insert:

*NEW SECTION, Sec. 222. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

To design and construct a 24-bed residential facility at Maple Lane School to accommodate increased housing and treatment needs of juvenile sex offenders pursuant to E2SSB 6259.

	Reappropriation	Appropriation
St Bldg Constr Acct		1,256,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,256,000*

ReNUMBER sections consecutively and correct internal references accordingly.

Representatives H. Sommers and Bowman spoke in favor of adoption of the amendment to the amendment, and Mr. Schoon spoke against it. The amendment to the amendment was adopted.

Ms. H. Sommers moved adoption of the following amendment by Representatives H. Sommers, Leonard, Morris, Schoon and Beck to the amendment:

On page 12, after line 23, insert:

*NEW SECTION, Sec. 222. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Cottage renovation at Echo Glen to accommodate increased housing and treatment needs of juvenile sex offenders pursuant to E2SSB 6259.

	Reappropriation	Appropriation
St Bldg Constr Acct		106,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		106,000*

ReNUMBER sections consecutively and correct internal references accordingly.

Representatives H. Sommers and Schoon spoke in favor of adoption of the amendment to the amendment, and it was adopted.

The Clerk read the following amendment by Representatives Haugen and Braddock to the amendment:

On page 14, after line 31, strike all the matter through line 35, and insert:

*FOR THE STATE PARKS AND RECREATION COMMISSION

Acquisition of Hope Island

The appropriation in this section shall be used to acquire Hope Island, located in southern Puget Sound, and retain Hope Island as a critical habitat and natural area.*

With consent of the House, Representative Haugen withdrew the amendment.

Mr. G. Fisher moved adoption of the following amendment by Representatives Cantwell, Schoon, Doty, Vekich, G. Fisher, Heavey and Jacobsen to the amendment:

On page 14, after line 39 of the amendment, insert:

*Sec. 308, Section 396, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Washington Technology Center (88-1-003)

The appropriation in this section shall be subject to the following conditions and limitations: The moneys from this appropriation shall be transferred to and administered by the University of Washington.

	Reappropriation	Appropriation
St Bldg Constr Acct	9,600,000	((988,000))
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
5,302,000		((15,882,000))
		14,902,000*

ReNUMBER remaining sections consecutively and correct internal references accordingly.

Representatives G. Fisher and Schoon spoke in favor of adoption of the amendment to the amendment, and it was adopted.

Ms. Haugen moved adoption of the following amendment by Representatives Haugen, Spanel, R. King, S. Wilson, Braddock, Youngsman, Kremen, Rasmussen and Morris to the amendment:

On page 17, after line 37, insert the following:

*NEW SECTION, Sec. 312. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Continued feasibility study and design work for a steelhead and rainbow trout hatchery at Grandy Creek.

Wildlife Acct--State	Reappropriation		Appropriation
	Prior Biennia	Future Biennia	Total
			500,000
			500,000*

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Haugen, S. Wilson, Spanel, Youngsman and Morris spoke in favor of adoption of the amendment to the amendment, and it was adopted.

Ms. H. Sommers moved adoption of the following amendment by Representatives H. Sommers and Belcher to the amendment:

On page 18 of the amendment, after line 3, strike everything through "45,000,000" on page 19, line 2, and insert the following:

*NEW SECTION. Sec. 318. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (unmodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Acquisition of wildlife conservation and recreation lands

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) \$22,500,000 of the appropriation from the habitat conservation account shall be expended in the following manner:

(i) At least thirty-five percent for the acquisition and development of critical habitat;

(ii) At least twenty percent for the acquisition and development of natural areas;

(iii) At least fifteen percent for the acquisition and development of urban wildlife habitat; and

(iv) The remaining amount shall be considered unallocated and shall be used by the committee to fund high-priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat;

(b) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under (a) (i), (ii), and (iv) of this subsection; and

(c) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under (a) (iii) and (iv) of this subsection.

(2) (a) \$22,500,000 of the appropriation from the outdoor recreation account shall be expended in the following manner:

(i) At least twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs;

(ii) At least twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(iii) At least fifteen percent for the acquisition and development of trails;

(iv) At least ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(v) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high-priority acquisition and development needs for parks, trails, and water access sites;

(b) Only local agencies may apply for acquisition, development, or renovation funds for local parks under (a)(ii) of this subsection;

(c) State and local agencies may apply for funds for trails under (a)(iii) of this subsection; and

(d) State and local agencies may apply for funds for water access sites under (a)(iv) of this subsection.

(3) This appropriation may not be used to transfer land from one state agency to another if that transfer will result in the transferred land being subject to payments for property tax or any consideration in lieu of property taxes.

(4) No local agency may receive any portion of this appropriation unless it agrees to provide at least an equal matching amount from nonstate sources for the same purpose.

(5) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(6) Moneys appropriated under this section may not be used by the committee to fund additional staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter.

(7) Moneys appropriated under this section may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(8) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:

(a) For critical habitat and natural areas proposals:

(i) Community support;

- (ii) Immediacy of threat to the site;
- (iii) Uniqueness of the site;
- (iv) Diversity of species using the site;
- (v) Quality of the habitat;
- (vi) Long-term viability of the site;
- (vii) Presence of endangered, threatened, or sensitive species;
- (viii) Enhancement of existing public property;
- (ix) Consistency with a local land use plan, or a regional or state-wide recreational or resource plan; and

- (x) Educational and scientific value of the site.
- (b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:
 - (i) Population of, and distance from, the nearest urban area;
 - (ii) Proximity to other wildlife habitat;
 - (iii) Potential for public use; and
 - (iv) Potential for use by special needs populations.
- (9) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities.

(10) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.

(11) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria:

- (a) For trails proposals:
 - (i) Community support;
 - (ii) Immediacy of threat to the site;
 - (iii) Linkage between communities;
 - (iv) Linkage between trails;
 - (v) Existing or potential usage;
 - (vi) Consistency with an existing local land use plan or a regional or state-wide recreational or resource plan;

- (vii) Availability of water access or views;
- (viii) Enhancement of wildlife habitat; and
- (ix) Scenic values of the site.

(b) For water access proposals:

- (i) Community support;
- (ii) Distance from similar water access opportunities;
- (iii) Immediacy of threat to the site;
- (iv) Diversity of possible recreational uses; and
- (v) Public demand in the area.

(12) The committee shall recommend to the governor a preliminary list of projects to be funded from this appropriation. The list shall include but not be limited to, a description of each project and shall describe any anticipated restrictions upon recreational activities for the project. After review and comment by the governor, the committee shall recommend a final list of projects for approval by the governor. If the governor removes a project from the list, the committee shall recommend a replacement for the removed project.

(13) Only projects on the final list approved by the governor under subsection (12) of this section may be funded from these appropriations.

	Reappropriation	Appropriation
Habitat Conservation Acct		22,500,000
ORA		22,500,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>
		<u>Total</u>
		45,000,000*

Representatives H. Sommers and Schoon spoke in favor of adoption of the amendment to the amendment, and it was adopted.

Mr. Schoon moved adoption of the following amendment by Representatives Schoon and Smith to the amendment:

On page 22, after line 19, insert:

*NEW SECTION. Sec. 409. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY
Primate Natural Habitat Dome

The appropriation in this section is subject to the following conditions and limitations: At least \$150,000 from nonstate sources shall be secured for the same purpose.

	Reappropriation	Appropriation
St Bldg Constr Acct		600,000
	<u>Prior Biennia</u>	<u>Future Biennia</u>
		<u>Total</u>
		600,000*

Renumber sections consecutively and correct internal references accordingly.

Representatives Schoon, Smith and Heavey spoke in favor of adoption of the amendment to the amendment, and Ms. H. Sommers spoke against it.

The Speaker stated the question before the House to be adoption of the amendment on page 22, after line 19, by Representatives Schoon and Smith to the amendment by Representatives H. Sommers and Schoon.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 40; Nays - 56. The amendment to the amendment was not adopted.

The amendment by Representatives H. Sommers and Schoon as amended was adopted.

With consent of the House, the following amendment by Representative Cantwell and others to the amendment by Representatives H. Sommers and Schoon to the title was adopted:

On page 25 of the amendment, line 19 of the title, after "(uncodified)," insert "amending section 396, chapter 12, Laws of 1989 1st ex. sess (uncodified);"

With consent of the House, the amendment by Representatives H. Sommers and Schoon as amended to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers and Schoon spoke in favor of passage of the bill.

MOTION

On motion of Ms. Miller, Representative Holland was excused.

Representatives Rasmussen and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6417 as amended by the House, and the bill passed the House by the following vote: Yeas, 77; nays, 19; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Bennett, Bowman, Brekke, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Ballard, Beck, Betrozoff, Braddock, Brough, Fuhrman, Hankins, Horn, Kirby, May, McLean, Padden, Silver, Smith, Tate, Van Luven, Walker, Wolfe, Youngsman - 19.

Excused: Representative Holland - 1.

Engrossed Substitute Senate Bill No. 6417 as amended by the House, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Saturday, March 3, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Saturday, March 3, 1990

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Beck. On motion of Ms. Miller, Representative Beck was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jae Pak and Cari Price. Prayer was offered by The Reverend Randy Kaech, Minister of Faith Assembly of Lacey.

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

MESSAGES FROM THE SENATE

March 2, 1990

Mr. Speaker:

The Senate concurred in the House amendments to SENATE BILL NO. 6562, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

Mr. Speaker:

March 2, 1990

The Senate has passed:

ENGROSSED SENATE BILL NO. 6091,
 SUBSTITUTE SENATE BILL NO. 6624,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1565,
 SECOND SUBSTITUTE HOUSE BILL NO. 1653,
 ENGROSSED HOUSE BILL NO. 2289,
 HOUSE BILL NO. 2306,
 HOUSE BILL NO. 2343,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344,
 HOUSE BILL NO. 2345,
 SUBSTITUTE HOUSE BILL NO. 2476,
 ENGROSSED HOUSE BILL NO. 2797,
 SUBSTITUTE HOUSE BILL NO. 2935,
 SECOND SUBSTITUTE HOUSE BILL NO. 2986,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 2, 1990

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5431,
 SENATE BILL NO. 5593,
 SUBSTITUTE SENATE BILL NO. 5935,
 SECOND SUBSTITUTE SENATE BILL NO. 5993,
 SUBSTITUTE SENATE BILL NO. 6167,
 SENATE BILL NO. 6189,
 SENATE BILL NO. 6192,
 SENATE BILL NO. 6201,
 SENATE BILL NO. 6213,
 SENATE BILL NO. 6224,
 SUBSTITUTE SENATE BILL NO. 6289,
 SENATE BILL NO. 6335,
 SUBSTITUTE SENATE BILL NO. 6348,

SUBSTITUTE SENATE BILL NO. 6426,
 SUBSTITUTE SENATE BILL NO. 6446,
 SUBSTITUTE SENATE BILL NO. 6453,
 SUBSTITUTE SENATE BILL NO. 6493,
 SENATE BILL NO. 6564,
 SUBSTITUTE SENATE BILL NO. 6642,
 SENATE BILL NO. 6673,
 SUBSTITUTE SENATE BILL NO. 6697,
 SUBSTITUTE SENATE BILL NO. 6776,
 SENATE BILL NO. 6816,
 SECOND SUBSTITUTE SENATE BILL NO. 6832,
 SENATE BILL NO. 6834,
 SENATE BILL NO. 6862,
 SENATE BILL NO. 6866,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTIONS AND FIRST READING

HCk 4437 by Representative Ebersole

Extending the cut-off date.

ESB 6091 by Senators McDonald, Gaspard, Hayner and Vognild

Making an appropriation for the budget stabilization account.

Referred to Committee on Appropriations.

SSB 6624 by Committee on Ways & Means (originally sponsored by Senators McDonald and Stratton; by request of Office of Financial Management)

Changing provisions relating to the family independence program.

Referred to Committee on Appropriations.

SSB 6841 by Committee on Ways & Means (originally sponsored by Senators Nelson and Rasmussen)

Changing provisions relating to juvenile residential burglary.

Referred to Committee on Judiciary.

MOTIONS

On motion of Mr. Ebersole, the bills listed on today's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of House Concurrent Resolution No. 4437.

On motion of Mr. Ebersole, the rules were suspended and House Concurrent Resolution No. 4437 was placed on the second reading calendar.

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4437, by Representative Ebersole

Extending the cut-off date.

The resolution was read the second time.

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

Representatives Ebersole and Brough spoke in favor of passage of the resolution. Mr. Ebersole again spoke in favor of it.

House Concurrent Resolution No. 4437 was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease. The Speaker called the House to order.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6358, by Committee on Transportation (originally sponsored by Senators Patterson, Bender, Thorsness, Patrick and Nelson; by request of Governor)

Modifying transportation tax rates and distributions.

The bill was read the second time.

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

Representatives R. Fisher, Schmidt and Nelson spoke in favor of passage of the bill, and Mr. Fuhrman spoke against it.

MOTION

Mr. Heavey moved that the remarks of Representative R. Fisher on final passage of Engrossed Substitute Senate Bill No. 6358 be spread upon the Journal. The motion was carried.

REMARKS OF REPRESENTATIVE R. FISHER

Ms. R. Fisher: Thank you, Mr. Speaker. I would like to commend you and the Legislature's other leaders for breaking the logjam that was threatening once again to block efforts to increase Washington's inadequate transportation funds. It is a sad, but true, fact that we rarely take action here in Olympia unless we are reacting to a crisis.

Well, I want to tell you that we do have a crisis in our state--we have a transportation crisis--and it is urgent that we act now. We cannot stand by any longer and watch traffic in our urban areas degenerate into perpetual gridlock. We cannot stand by and watch rural highways, that bring our farm products to market, break up under the weight of increased truck traffic. We cannot stand by while motorists are injured or killed because we are neglecting long-overdue highway safety projects.

Everybody here knows this proposal won't solve our transportation problems in their entirety, but it is a good start and it will help keep our traffic problems from getting a lot worse. If we can come out of this session with new transportation revenues and a bill to establish the framework for high-capacity transportation and a bill to coordinate transportation needs with our state's rapid growth, we will be light years ahead of where we are today.

Representatives Betzoff, Cantwell and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6358, and the bill passed the House by the following vote: Yeas, 56; nays, 39; absent, 1; excused, 1.

Voting yea: Representatives Appelwick, Betzoff, Braddock, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Heavey, Hine, Holland, Horn, Jacobsen, Jones, King P, King R, Leonard, Locke, May, Meyers R, Miller, Moyer, Nealey, Nelson, O'Brien, Phillips, Prentice, Prince, Pruitt, Raiter, Rust, Sayan, Schmidt, Scott, Sommers D, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Walker, Wilson K, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 56.

Voting nay: Representatives Ballard, Basich, Baugher, Belcher, Bennett, Bowman, Brooks, Brough, Brumsickle, Crane, Dorn, Doty, Fuhrman, Grant, Hankins, Hargrove, Haugen, Inslée, Jesernig, Kirby, Kremen, McLean, Morris, Myers H, Nutley, Padden, Peery, Rasmussen, Rayburn, Rector, Schoon, Silver, Smith, Tate, Van Luven, Wang, Wilson S, Wolfe, Youngsman - 39.

Absent: Representative Anderson - 1.

Excused: Representative Beck - 1.

Engrossed Substitute Senate Bill No. 6358, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote "yes" on final passage of Engrossed Substitute Senate Bill No. 6358.

CAL ANDERSON, 43rd District.

MESSAGES FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4437,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1055,
 SUBSTITUTE HOUSE BILL NO. 1264,
 SUBSTITUTE HOUSE BILL NO. 1394,
 HOUSE BILL NO. 1491,
 HOUSE BILL NO. 1523,
 HOUSE BILL NO. 1571,
 HOUSE BILL NO. 1703,
 HOUSE BILL NO. 1881,
 HOUSE BILL NO. 2032,
 HOUSE BILL NO. 2260,
 HOUSE BILL NO. 2262,
 HOUSE BILL NO. 2265,
 HOUSE BILL NO. 2276,
 HOUSE BILL NO. 2292,
 SUBSTITUTE HOUSE BILL NO. 2293,
 HOUSE BILL NO. 2294,
 HOUSE BILL NO. 2330,
 HOUSE BILL NO. 2335,
 SUBSTITUTE HOUSE BILL NO. 2337,
 HOUSE BILL NO. 2410,
 HOUSE BILL NO. 2842,
 HOUSE BILL NO. 2850,
 HOUSE BILL NO. 2859,
 SUBSTITUTE HOUSE BILL NO. 2933,
 SUBSTITUTE HOUSE BILL NO. 2956,
 HOUSE JOINT RESOLUTION NO. 4203,
 HOUSE CONCURRENT RESOLUTION NO. 4432,
 HOUSE CONCURRENT RESOLUTION NO. 4437.

The Speaker declared the House to be at ease until 1:00 p.m.

AFTERNOON SESSION

The Speaker (Mr. Ebersole presiding) called the House to order at 1:00 p.m.

The Speaker (Mr. Ebersole presiding) declared the House to be at ease.

The Speaker called the House to order.

MOTION

On motion of Ms. Cole, Representatives Baugher and Haugen were excused.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 2964 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 2964, by Representatives Schoon, H. Sommers, P. King and Betrozoff

Authorizing bonds for capital facilities.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 2964 was substituted for House Bill No. 2964, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2964 was read the second time.

Ms. H. Sommers moved adoption of the following amendments by Representatives H. Sommers and Schoon:

On page 3, line 6, strike "twenty-five" and insert "sixty"

On page 4, line 5, strike "One hundred" and insert "Sixty-five"

Representatives H. Sommers and Schoon spoke in favor of adoption of the amendments, and they were adopted.

Ms. H. Sommers moved adoption of the following amendments by Representatives H. Sommers and Schoon:

On page 3, line 11, after "((Three))" strike "Fourteen million ((two)) four hundred ((thirty)) eighty" and insert "twenty-five million ((two)) seven hundred thirty"

On page 4, line 3, after "(19)" strike "Eleven million two hundred fifty" and insert "twenty-two million five hundred"

Representatives H. Sommers and Schoon spoke in favor of adoption of the amendments, and they were adopted.

Ms. H. Sommers moved adoption of the following amendments by Representatives H. Sommers and Schoon:

On page 9, line 1, after "paid" insert ", so long as moneys are available,"

On page 9, line 2, after "treasury," insert "This subsection shall not be construed as a pledge or obligation of moneys in the drug enforcement and education account beyond July 1, 1995."

Representatives H. Sommers and Schoon spoke in favor of adoption of the amendments, and they were adopted.

Ms. Bowman moved adoption of the following amendment by Representatives Bowman, Nutley, R. Meyers, Brumsickle, Silver, Baugher, Schmidt, Horn, Smith, Tate, Youngsman, Wood, Beck, Doty, Brooks, Ballard, Ferguson, Moyer, Forner and Hankins:

On page 8, line 34, after "(5)" strike "For bonds issued for the purposes of RCW 43.99H.020(20), on each date on which any interest or principal and interest payment is due, the state treasurer shall cause the amount computed in RCW 43.99H.040(5) to be paid out of the drug enforcement and education account for deposit into the general fund of the state treasury."

Renumber the following section consecutively and correct internal references accordingly.

Ms. Bowman spoke in favor of adoption of the amendment, and Ms. H. Sommers spoke against it.

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

Representatives Nutley, Miller, Ballard, Hankins and Brough spoke in favor of adoption of the amendment, and Representatives Ebersole, Inslee, Braddock and Appelwick spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 8, line 34, by Representative Bowman and others to Substitute House Bill No. 2964, and the amendment was adopted by the following vote: Yeas, 51; nays, 43; excused, 3.

Voting yea: Representatives Ballard, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Cooper, Day, Dorn, Doty, Ferguson, Fisher G. Forner, Fuhrman, Gallagher, Grant, Hankins, Holland, Horn, Jesernig, Jones, King P, King R, Kirby, Kremen, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nutley, Padden, Peery, Prince, Rayburn, Schmidt, Silver, Smith, Sommers D, Tate, Van Luven, Vekich, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 51.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Crane, Dellwo, Ebersole, Fisher R, Fraser, Hargrove, Heavey, Hine, Inslee, Jacobsen, Leonard, Locke, Morris, Nelson, O'Brien, Phillips, Prentice, Pruitt, Ratter,

Rasmussen, Rector, Rust, Sayan, Schoon, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Wang, Wilson K, Wineberry, and Mr. Speaker - 43.

Excused: Representatives Baugher, Beck, Haugen - 3.

STATEMENT FOR THE JOURNAL

On the amendment by Representative Bowman and others to Substitute House Bill No. 2964, I wish to be recorded as a "No."

MAX VEKICH, 35th District.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Schoon and H. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2964, and the bill passed the House by the following vote: Yeas, 84; nays, 10; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Ballard, Brough, Fuhrman, McLean, Padden, Silver, Smith, Tate, Van Luven, Wolfe - 10.

Excused: Representatives Baugher, Beck, Haugen - 3.

Engrossed Substitute House Bill No. 2964, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. INTENT. The legislature finds that uncoordinated and unmanaged growth poses an immediate threat to the environment, to sustainable economic development, and to the high quality of life enjoyed by inhabitants of this state. It is in the interest of all the people of this state that citizens, communities, and local governments cooperate and coordinate with one another in comprehensive land use planning. Such cooperation and coordination state-wide will encourage predictability in the permitted uses of property and promote uniformity of land use planning.

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

- (1) 'City' means any city, town, or optional municipal code city.
- (2) 'Department' means the department of community development.
- (3) 'Development regulations' mean any city or county controls on any land use or development activities including, but not limited to, zoning ordinances, planned unit development ordinances, and subdivision ordinances.
- (4) 'Special purpose district' means a local unit of government, other than a city, county, or regional organization, authorized and regulated by statute to perform a single function or a limited number of functions, and includes, but is not limited to, water districts, irrigation districts, port districts, fire protection districts, school districts, community college districts, public hospital districts, sewer districts, public utility districts, public health districts, city and county health districts, cemetery districts, diking districts, metropolitan park districts, public transportation benefit areas, drainage districts, transportation districts, and metropolitan municipal corporations organized under chapter 35.58 RCW.

(5) 'Urban growth' means that growth which makes intensive use of the land for the location of buildings, structures, and impermeable surfaces. When allowed to occur over wide areas, it typically requires urban governmental services.

NEW SECTION. Sec. 3. STATE-WIDE PLANNING GOALS CHECKLIST. No later than July 1, 1991, the department shall adopt land use planning guidelines applicable to all city and county comprehensive land use plans. The guidelines shall be consistent with the purposes of this chapter and shall implement the following growth planning goals:

(1) To provide for the conservation and wise use of natural resources, and to maintain a productive agricultural and forest land base by discouraging the conversion of agricultural and forest land to other uses;

(2) To preserve unique wildlife habitats;

(3) To prevent uses of rare or important natural ecosystems which are incompatible with the long-term sustainability of such lands;

(4) To protect environmentally sensitive areas, including wetlands, riparian zones, flood plains, and areas of geological hazard;

(5) To protect lands having significant historical, cultural, or geological value;

(6) To ensure that adequate and diversified recreational opportunities and publicly accessible open space are provided in all areas of the state, and particularly in areas of increasing urbanization;

(7) To encourage diversified transportation modes which decrease reliance upon the automobile, particularly in high density urban areas;

(8) To encourage and provide incentives for high quality development that permit growth in accordance with public need and the physical and environmental limitations of land;

(9) To encourage provision of urban governmental services and facilities in areas planned for urban growth, and to require that adequate services and facilities be provided as growth occurs;

(10) To assure adequate access to and provision of utility services, and to encourage responsible waste management;

(11) To assure that major developments such as educational and correctional institutions, health care facilities, transportation facilities, waste management and disposal facilities, and energy facilities are equitably and prudently located;

(12) To encourage greater regional planning, consistency of local plans with regional plans, and coordination of city and county comprehensive plans in areas with common growth management and urban governmental services concerns;

(13) To assure that citizens have a meaningful role in participating in local and regional land use planning decisions;

(14) To encourage future urban growth to occur in existing urban areas and adjacent areas designated for additional urban growth, and to discourage urban growth from occurring in areas providing long-term importance for agricultural or forest uses, or in areas that are environmentally sensitive;

(15) To incorporate shoreline master programs developed pursuant to the shoreline management act into city and county comprehensive land use plans: PROVIDED, That each county is required to develop, adopt, administer, and enforce shorelines management programs pursuant to chapter 90.58 RCW; and

(16) To plan specifically for commercial and industrial development.

NEW SECTION. Sec. 4. TECHNICAL ASSISTANCE SERVICES. (1) The department shall establish a program of technical assistance to the counties and cities to facilitate the adoption and implementation of comprehensive plans and development regulations.

(2) The department shall develop a priority list for technical assistance for counties and cities. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, the need for technical assistance, and other relevant factors.

(3) The technical assistance program shall utilize department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories.

(4) The department shall establish, in consultation with representatives selected by the associations for cities and counties, a state-wide data base which includes all lands, land uses, and facilities in each municipality.

NEW SECTION. Sec. 5. PROCEDURE FOR ADOPTING STATE-WIDE PLANNING GOALS CHECKLIST AND ESTABLISHING TECHNICAL ASSISTANCE PROGRAM. In developing the guidelines under section 3 of this act and the program under section 4 of this act, the department shall seek public participation. The department shall also consult with city and county legislative bodies and executive officials, other state agencies having expertise or jurisdiction in land use management and planning issues, and private sector and nonprofit organizations having an

interest in comprehensive planning. The guidelines shall be adopted under the procedures of chapter 34.05 RCW.

NEW SECTION. Sec. 6. **ROLE OF GROWTH STRATEGIES COMMISSION.** The growth strategies commission created by executive order shall:

(1) Analyze different methods for assuring county and city compliance and consistency with the state-wide planning goals checklist under section 3 of this act and with other requirements of this chapter; and

(2) Recommend to the legislature and the governor by December 10, 1990, a specific structure or process that, among other things:

(a) Ensures county and city coordination and compliance with the state-wide planning goals checklist under section 3 of this act and with other requirements of this chapter;

(b) Promotes linkages between land use and transportation; and

(c) Provides counties and cities access to alternative sources of funds which shall be used to assist counties and cities to mitigate those impacts which occur due to permitted development.

NEW SECTION. Sec. 7. **COMPREHENSIVE LAND USE PLANS.** (1) No later than twelve months following final adoption of the guidelines required under section 3 of this act, every city and county shall adopt or make revisions to its comprehensive land use plan to be consistent with such guidelines, except as provided under subsection (4) of this section.

(2) Each city and county shall establish procedures providing for early and continuous public participation in the development of comprehensive land use plans and amendments, and in the adoption of development regulations to implement such plans. The procedures shall provide for dissemination of proposals and alternatives, opportunity for written comments, public meetings after timely and effective notice, provision for open discussion, and consideration of and response to public comments. Errors in exact compliance with the established procedures which do not have a material effect upon the ability of a person to participate shall not be the basis for invalidation of a plan provision, plan amendment, or development regulation.

(3) City comprehensive plans shall not be inconsistent with the county plan. Within a reasonable time, each county and city shall assure that their plans are not inconsistent with other counties or cities that are close or contiguous or that have related regional interests. To promote consistency, counties and cities that are close or contiguous shall prepare their comprehensive plans in consultation with each other.

(4) Upon adoption of a resolution by the legislative body of a city with a population of less than seven thousand five hundred that the burdens of adopting a comprehensive plan and development regulations outweigh the benefits to be derived from the process, the city shall be exempted from the provisions of this chapter. A copy of such resolution shall be filed with the department.

NEW SECTION. Sec. 8. **COMPREHENSIVE PLAN REQUIREMENTS.** (1) Each comprehensive plan shall include:

(a) A land use element;

(b) An economic development element;

(c) A conservation element;

(d) A neighborhood preservation element;

(e) A transportation element;

(f) A housing element;

(g) A public services element;

(h) A recreation and open space element;

(i) An agriculture element;

(j) A forest element;

(k) A utilities element;

(l) A public facilities element;

(m) An educational facilities element;

(n) A correctional facilities element;

(o) A public water element;

(p) A pollution element;

(q) A commercial and industrial element; and

(r) An element prescribing urban growth boundaries.

(2) Each element of a comprehensive plan shall include the following components:

(a) An inventory of all existing lands, land uses, or facilities relating to that element made available on a data base that is compatible with the data base developed by the department under section 4(5) of this act;

(b) An analysis of existing needs;

(c) An analysis of future needs based upon the land uses shown on a future land use map depicting the proposed future distribution of land uses, and population, housing, and employment goals consistent with this chapter;

(d) A statement of the goals and a list of objectives consistent with the land uses shown on the future land use map and consistent with this chapter.

(3) Each comprehensive plan shall be internally consistent so that all elements of the plan are consistent with the future land use map and with each other.

(4) Each comprehensive plan shall contain an element demonstrating that its employment and population goals and its elements are consistent with the goals and elements of plans of surrounding jurisdictions.

(5) A comprehensive plan may contain additional elements consistent with the elements required by this section, including an element addressing multijurisdictional issues.

(6) The educational facilities element of the comprehensive plan shall provide for notification to school districts of any proposed development having the potential to directly or indirectly impact school facilities. Cities and counties shall implement this plan provision through ordinances ensuring early notification to school districts of the proposed development and an opportunity to comment on the proposal. Cities and counties shall consider impacts to school facilities when reviewing applications for subdivision approval, zoning ordinances, or other required development approvals.

NEW SECTION. Sec. 9. DEVELOPMENT REGULATIONS. Within twenty-four months after final adoption of the state-wide planning goals checklist each city and county shall enact or amend development regulations, including zoning and other land use regulations, that implement its comprehensive land use plan. The development regulations shall not be inconsistent with the jurisdiction's comprehensive plan. This section does not affect or limit development regulations of cities and counties existing or adopted prior to the regulations required by this section, but does require that the regulations be amended as necessary to be consistent with the comprehensive plan within the time provided under this section.

NEW SECTION. Sec. 10. URBAN GROWTH BOUNDARIES. (1) No later than twenty-four months following adoption of the state planning guidelines required under section 3 of this act, each county shall prescribe urban growth boundaries as an element of its comprehensive land use plan. These boundaries shall be consistent with the goals of this chapter, with department rules required under this section, and with the policy guidelines of the department. The proposed boundaries shall be submitted for certification by the department.

(2) No later than July 1, 1992, the department shall adopt rules defining standards for county adoption of urban growth boundaries. The rules shall describe the levels of urban governmental services which should be planned for areas intended for urban growth. The rules shall also provide criteria which must be considered by counties in prescribing urban growth boundaries, including, but not limited to:

(a) Present and potential use of the land for nonurban uses such as agriculture and forest production;

(b) The location of environmentally sensitive areas;

(c) Past and future population patterns and trends;

(d) Environmental capacity for future population;

(e) Present and potential urban governmental service capacity, and any existing plans for future service delivery;

(f) Past patterns and future projections of commercial and industrial development;

(g) Suitability of the urban growth configuration;

(h) Projected population density;

(i) Residential characteristics and community identities;

(j) Affordable housing needs and necessary land for affordable housing; and

(k) Plans and programs of public agencies.

(3) Following certification of the county comprehensive land use plan by the department, no urban governmental services may be extended outside of an urban growth boundary unless approved by the county legislative authority or planning commission as consistent with the comprehensive plan provisions for future urban growth, or as necessary to protect the health and safety of an existing residential population.

(4) Proposed facilities or systems to provide urban governmental services outside an urban growth boundary having a capacity to serve needs projected beyond five years in the future shall not be approved by the county unless it first amends the urban growth boundary and obtains certification of the amendment from the department.

(5) This section shall not apply to the provision of urban governmental services within the incorporated area of a city or town.

NEW SECTION. Sec. 11. STATE AGENCY PROPOSED LAND USES. (1) Except as provided in this section, all state agencies shall comply with city and county comprehensive plans and with the comprehensive plan implementation regulations of cities and counties.

(2) Where a comprehensive plan implementation regulation of a city or county does not permit outright a proposed land use by a state agency, the city or county shall provide a procedure by which the proposed use may be allowed following issuance of an extraordinary use permit.

(3) Each application for an extraordinary use permit shall be made to the legislative body of the county or city with jurisdiction. The legislative body shall conduct a hearing thereon within thirty days from the date the application is filed.

(4) A city or county may condition an extraordinary use permit to ensure consistency with its comprehensive plan and any applicable comprehensive plan implementation regulations.

(5) A city or county may deny an extraordinary use permit when it determines that the proposed use would cause unacceptably extreme impacts upon public health or safety or the environment that are not avoidable through economically feasible mitigation measures.

NEW SECTION. Sec. 12. ACTIVITIES OF STATE CONCERN. (1) The following are hereby designated activities of state concern:

(a) New airports with runways of five thousand feet or longer, additions to existing airport runways that extend the runway beyond five thousand feet, and additions of one thousand feet or longer to an existing airport runway of five thousand feet or longer;

(b) New port facilities designed to serve ships of twenty-five thousand deadweight tons or greater, and modifications to existing port facilities if the modifications provide the capacity to accommodate ships of fifty thousand deadweight tons or greater;

(c) Power transmission, gas, and oil lines creating new or expanding existing corridors which corridors or expansions are ten or more miles long, and power generation facilities requiring site certification from the energy facility site evaluation council or a permit from the federal power commission;

(d) Sewer trunk lines seventy-two inches in diameter or greater, and new sewage treatment facilities or expansion of existing sewage treatment facility capacity by fifteen percent or more in system design capacity above that necessary to serve the projected population of the service area at the time installation work is expected to be completed: PROVIDED, That sewage treatment facilities that exclusively serve four or fewer residential dwelling units are not activities of state concern;

(e) New municipal and industrial water supply systems with a capacity of five cubic feet per second or more, and additions to existing water supply systems that provide an increase of fifteen percent or more in system design capacity above that necessary to serve the projected population of the service area at the time installation work is expected to be completed;

(f) Solid waste disposal facilities with a design capacity of five hundred tons per day or greater;

(g) Correctional facilities administered by the department of corrections or department of social and health services; and

(h) Educational facilities, including facilities for higher education.

(2) A city or county shall hold at least one public hearing before making a decision whether or not to approve an activity of state concern.

(3) A city or county may condition approval of an activity of state concern to provide consistency with its comprehensive plan, and any applicable comprehensive plan implementation regulations.

(4) A city or county may deny an activity of state concern where it determines that the activity will cause unacceptably extreme adverse impacts upon public health or safety or the environment that cannot be avoided by economically feasible mitigation measures, and that these impacts outweigh the benefits of the proposed activity. Proposals for a use under subsection (1) (d) and (e) of this section shall be reviewed for consistency with the urban growth boundaries of an applicable comprehensive plan.

NEW SECTION. Sec. 13. COMPREHENSIVE PLANS—SPECIAL DISTRICTS MUST CONFORM.

(1) All special districts shall perform their activities which affect land use, including capital budget decisions, in conformity with the state-wide planning goals checklist and the comprehensive land use plan of the county or city having jurisdiction in the area where the activities occur.

(2) Within two years of the adoption of a comprehensive plan by a county or city pursuant to section 7 of this act, each special district located within such a county or city, that provides one or more of the public facilities or public services listed in this subsection, shall adopt or amend a capital facilities plan for its facilities that is consistent with the comprehensive plan and indicates the existing and projected capital facilities that are necessary to serve the projected growth for the area that is served by the special district. These public facilities or public services are: (a) Sanitary sewers; (b) potable water facilities; (c) park and recreation facilities; (d) fire suppression; (e) libraries; (f) schools; and (g) transportation, including mass transit and maritime shipping facilities.

NEW SECTION. Sec. 14. DISPUTE RESOLUTION. Whenever a dispute arises between cities and counties, or any combination thereof, concerning the consistency of a comprehensive plan of a city or county with the state-wide planning goals checklist, the consistency of development regulations of a city or county with the comprehensive plan, or the failure to adopt a comprehensive plan or bring a comprehensive plan into conformity within a reasonable time, a visiting judge shall preside over an administrative hearing to resolve the dispute. The visiting judge shall be selected using the procedures of RCW 2.08.150 and 2.08.170 from a county not involved in the dispute.

The judge shall have all the powers of a superior court judge presiding at a civil proceeding, including the authority to order a party to amend a comprehensive plan.

The costs of any proceeding under this section, and the expenses of the visiting judge under RCW 2.08.170, shall be shared equally by every city or county that is a party to the dispute.

NEW SECTION, Sec. 15. INTENT—TRANSPORTATION PLANNING. The legislature finds that while the transportation system in Washington is owned and operated by numerous public jurisdictions, it should function as one interconnected and coordinated system. Transportation planning, at all jurisdictional levels, should be coordinated with local comprehensive plans. Further, local jurisdictions and the state should cooperate to achieve both state-wide and local transportation goals. To facilitate this coordination and cooperation among state and local jurisdictions, the legislature declares it to be in the state's interest to establish a coordinated planning program for regional transportation systems and facilities throughout the state.

NEW SECTION, Sec. 16. REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS AUTHORIZED. The legislature hereby authorizes creation of regional transportation planning organizations within the state. Each regional transportation planning organization may be formed through the voluntary association of local governments within a county, or within geographically contiguous counties. Each organization shall:

- (1) Encompass at least one complete county;
- (2) Have a population of at least one hundred thousand, or contain a minimum of three counties; and
- (3) Have as members all counties within the region, and at least sixty percent of the cities and towns within the region representing a minimum of seventy-five percent of the cities' and towns' population.

The state department of transportation must verify that each regional transportation planning organization conforms with the requirements of this section.

In urbanized areas, the regional transportation planning organization is the same as the metropolitan planning organization designated for federal transportation planning purposes.

NEW SECTION, Sec. 17. REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS—DUTIES. (1) Each regional transportation planning organization shall:

(a) Certify that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region conform with the requirements of section 8 of this act, and are consistent with regional transportation plans as provided for in (b) of this subsection;

(b) Develop and adopt a regional transportation plan that is consistent with county, city, and town comprehensive plans and state transportation plans. Regional transportation planning organizations are encouraged to use county, city, and town comprehensive plans that existed prior to the effective date of this section as the basis of its regional transportation plan whenever possible. Such plans shall address existing or planned transportation facilities and services that exhibit one or more of the following characteristics:

- (i) Physically crosses member county lines;
- (ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;
- (iii) Significant impacts are expected to be felt in more than one county;
- (iv) Potentially adverse impacts of the facility, service, or project can be better avoided or mitigated through adherence to regional policies;

(v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance;

(c) Designate a lead planning agency to coordinate preparation of the regional transportation plan. The lead planning agency may be a regional council, a county, city, or town agency, or a Washington state department of transportation district;

(d) Review the regional transportation plan biennially for currency; and

(e) Forward the adopted plan, and documentation of the biennial review of it, to the state department of transportation.

(2) All transportation projects within the region that have an impact upon regional facilities or services must be consistent with the plan.

(3) In order to ensure state-wide consistency in the regional transportation planning process, the state department of transportation shall:

(a) In cooperation with regional transportation planning organizations, establish minimum standards for development of a regional transportation plan;

(b) Facilitate coordination between regional transportation planning organizations; and

(c) Through the regional transportation planning process, and through state planning efforts as required by RCW 47.01.071, identify and jointly plan improvements and strategies within those corridors important to moving people and goods on a regional or state-wide basis.

NEW SECTION, Sec. 18. TRANSPORTATION POLICY BOARDS. Each regional transportation planning organization shall create a transportation policy board. Transportation policy boards shall provide policy advice to the regional transportation planning organization and shall allow representatives of major employers within the region, the department of transportation, transit districts, ports, and member cities, towns, and counties within the region to participate in policy making.

Sec. 19, Section 20, chapter 49, Laws of 1983 1st ex. sess. as amended by section 8, chapter 167, Laws of 1988 and RCW 36.81.121 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. (1) Before July 1st of each year, the legislative authority of each county with the advice and assistance of the county road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six calendar years. If the county has adopted a comprehensive plan pursuant to chapter 35.63 or 36.70 RCW, or the inherent authority of a charter county derived from its charter, the program shall be consistent with this comprehensive plan.

The program shall include proposed road and bridge construction work, and for those counties operating ferries shall also include a separate section showing proposed capital expenditures for ferries, docks, and related facilities. Copies of the program shall be filed with the county road administration board and with the state secretary of transportation not more than thirty days after its adoption by the legislative authority. The purpose of this section is to assure that each county shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated road construction program. The program may at any time be revised by a majority of the legislative authority but only after a public hearing thereon.

(2) The six-year program of each county having an urban area within its boundaries shall contain a separate section setting forth the six-year program for arterial road construction based upon its long-range construction plan and formulated in accordance with regulations of the transportation improvement board. The six-year program for arterial road construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative authority of each county. The six-year program for arterial road construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority of each county may request for urban arterials from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial road construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial roads than for minor and collector arterial roads, pursuant to regulations of the transportation improvement board.

(3) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and equestrian purposes.

Sec. 20, Section 35.77.010, chapter 7, Laws of 1965 as last amended by section 6, chapter 167, Laws of 1988 and RCW 35.77.010 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. (1) The legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six calendar years ((and shall file)). If the city or town has adopted a comprehensive plan pursuant to chapter 35.63 or 35A.63 RCW, or the inherent authority of a first class city derived from its charter, the program shall be consistent with this comprehensive plan.

The program shall be filed with the secretary of transportation not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program before July 1st of each year, and each one-year extension and revision shall be filed with the secretary of transportation not more than thirty days after its adoption. The purpose of this section is to assure that each city and town shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated street construction program. The program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six-year program of each city lying within an urban area shall contain a separate section setting forth the six-year program for arterial street construction based upon its long range construction plan and formulated in accordance with rules of the transportation improvement board. The six-year program for arterial street construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative body of the city. The six-year program for arterial street construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority may request for urban arterials from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial street construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial streets than for minor and collector arterial streets, pursuant to rules of the transportation improvement board: PROVIDED, That urban arterial trust funds made available to the group of incorporated cities lying outside the boundaries of federally

approved urban areas within each region need not be divided between functional classes of arterials but shall be available for any designated arterial street.

(2) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycle, pedestrian, and equestrian purposes.

Sec. 21, Section 1, chapter 396, Laws of 1989 and RCW 35.58.2795 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, shall prepare a six-year transit development and financial program for that calendar year and the ensuing five years. The program shall be consistent with the comprehensive plans adopted by counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, or the inherent authority of a first class city or charter county derived from its charter. The program shall contain information as to how the municipality intends to meet state and local long-range priorities for public transportation, capital improvements, significant operating changes planned for the system, and how the municipality intends to fund program needs. Each municipality shall file the six-year program with the state department of transportation, the transportation improvement board, and cities, counties, and regional planning councils within which the municipality is located.

In developing its program, the municipality shall consider those policy recommendations affecting public transportation contained in the state transportation policy plan approved by the state transportation commission and, where appropriate, adopted by the legislature. The municipality shall conduct one or more public hearings while developing its program and for each annual update.

NEW SECTION. Sec. 22. A new section is added to chapter 36.70 RCW to read as follows:

A county adopting a comprehensive plan pursuant to chapter 36.____ RCW (sections 1 through 14 of this act) shall be deemed to be in compliance with RCW 36.70.320 and 36.70.330.

NEW SECTION. Sec. 23. A new section is added to chapter 35.63 RCW to read as follows:

A city or town adopting a comprehensive plan pursuant to chapter 36.____ RCW (sections 1 through 14 of this act) shall be deemed to be in compliance with RCW 35.63.080 through 35.63.110.

NEW SECTION. Sec. 24. A new section is added to chapter 35A.63 RCW to read as follows:

A code city adopting a comprehensive plan pursuant to chapter 36.____ RCW (sections 1 through 14 of this act) shall be deemed to be in compliance with RCW 35A.63.060 through 35A.63.062.

NEW SECTION. Sec. 25. A new section is added to chapter 35.63 RCW to read as follows:

Each city and county that has a comprehensive plan, zoning ordinances, building codes, or other land use controls establishing areas within the city or town where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption, or marriage to an owner and occupant of the single family dwelling for the purpose of extended family care. These separate living quarters shall be authorized by conditional use permits, subject to state and local building standards adopted under chapter 19.27 RCW.

NEW SECTION. Sec. 26. A new section is added to chapter 35A.63 RCW to read as follows:

Each city and code city that has a comprehensive plan, zoning ordinances, building codes, or other land use controls establishing areas within the city or code city where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption, or marriage to an owner and occupant of the single family dwelling for the purpose of extended family care. These separate living quarters shall be authorized by conditional use permits, subject to state and local building standards adopted under chapter 19.27 RCW.

NEW SECTION. Sec. 27. A new section is added to chapter 36.70 RCW to read as follows:

Each county that has a comprehensive plan, zoning ordinances, building codes, or other land use controls establishing areas within the county where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption, or marriage to an owner and occupant of the single family dwelling for the purpose of extended family care. These separate living quarters shall be authorized by conditional use permits, subject to state and local building standards adopted under chapter 19.27 RCW.

NEW SECTION. Sec. 28. **INTENT—RURAL ECONOMIC DEVELOPMENT.** The legislature finds that the Puget Sound region is experiencing economic prosperity and the challenges associated with rapid growth. Much of the rest of the state is not experiencing economic prosperity, and faces challenges associated with slow economic growth. It is the intent of the legislature to encourage economic prosperity and balanced economic growth throughout the state.

In order to accomplish this goal, growth must be managed more effectively in the Puget Sound region, and rural areas must build local capacity to accommodate additional economic activity in their communities. Where possible, rural economies and low-income areas should be linked with prosperous urban economies to share economic growth for the benefit of all areas of the state.

Sec. 29. Section 1, chapter 20, Laws of 1983 1st ex. sess. as amended by section 1, chapter 231, Laws of 1985 and RCW 43.210.010 are each amended to read as follows:

EXPORT ASSISTANCE CENTER—ENCOURAGE URBAN-RURAL LINKS. The legislature finds:

(1) The exporting of goods and services from Washington to international markets is an important economic stimulus to the growth, development, and stability of the state's businesses in both urban and rural areas, and that these economic activities create needed jobs for Washingtonians.

(2) Impediments to the entry of many small and medium-sized businesses into export markets have restricted growth in exports from the state.

(3) Particularly significant impediments for many small and medium-sized businesses are the lack of easily accessible information about export opportunities and financing alternatives.

(4) There is a need for a small business export finance assistance center which will specialize in providing export assistance to small and medium-sized businesses throughout the state in acquiring information about export opportunities and financial alternatives for exporting.

Sec. 30. Section 2, chapter 20, Laws of 1983 1st ex. sess. as amended by section 2, chapter 231, Laws of 1985 and RCW 43.210.020 are each amended to read as follows:

EXPORT ASSISTANCE CENTER—ENCOURAGE URBAN-RURAL LINKS. A nonprofit corporation, to be known as the small business export finance assistance center, and branches subject to its authority, may be formed under chapter 24.03 RCW for the following public purposes:

(1) To assist small and medium-sized businesses in both urban and rural areas in the financing of export transactions.

(2) To provide, singly or in conjunction with other organizations, information and assistance to these businesses about export opportunities and financing alternatives.

(3) To provide information to and assist those businesses interested in exporting products, including the opportunities available to them in organizing export trading companies under the United States export trading company act of 1982, for the purpose of increasing their comparative sales volume and ability to export their products to foreign markets.

Sec. 31. Section 1, chapter 466, Laws of 1985 and RCW 43.31.005 are each amended to read as follows:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT—ENCOURAGE GROWTH STATE-WIDE. The legislature of the state of Washington finds that economic development is an essential public purpose which requires the active involvement of state government. The state's primary economic strategy is to encourage the retention and expansion of existing businesses, to attract new businesses and industries, ~~((and))~~ to foster the formation of new businesses, and to economically link rural communities with urban areas. In order to aid the citizens of Washington to obtain desirable employment and achieve adequate incomes, it is necessary for the state to encourage balanced growth and economic prosperity and to promote a more diversified and healthy economy throughout the state.

The legislature finds that the state needs to improve its level of employment, business activity, and revenue growth. In order to increase job opportunities and revenues, a broader and more stable economic base is needed. The state shall take primary responsibility to encourage the balanced growth of the economy consistent with the preservation of Washington's quality of life and environment. A healthy economy can be achieved through partnership efforts with the private sector to facilitate increased investment in Washington. It is the policy of the state of Washington to encourage and promote an economic development program that provides sufficient employment opportunities for our current resident work force and those individuals who will enter the state's work force in the future.

The legislature finds that the state of Washington has the potential to become a major world trade gateway. In order for Washington to fulfill its potential and compete successfully with other states and provinces, it must articulate a consistent, long-term trade policy. It is the responsibility of the state to monitor and ensure that such traditional functions of state government as transportation, infrastructure, education, taxation, regulation and public expenditures contribute to the international trade focus the state of Washington must develop.

Sec. 32. Section 4, chapter 466, Laws of 1985 and RCW 43.31.035 are each amended to read as follows:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT—ENCOURAGE GROWTH STATE-WIDE. The department shall pursue a coordinated approach for the state's economic development policies and programs to achieve a more diversified and healthy economy. The department shall support and work cooperatively with other state agencies, public and private organizations, and units of local government, as well as the federal government, to strengthen and coordinate economic development programs ~~((m))~~ throughout the state. The department's activities shall include, but not be limited to:

(1) Providing economic development advisory assistance to the governor, other state agencies, and the legislature on economic-related issues, and other matters affecting the economic well-being of the state and all its citizens.

(2) Providing staff and support to cabinet level interagency economic development coordinating activities.

(3) Representing and monitoring the state's interests with the federal government in its formulation of policies and programs in economic development.

(4) Assisting in the development and implementation of a long-term economic strategy for the state that encourages a balance in economic growth between urban and rural areas and that stimulates economic development in areas not experiencing problems associated with rapid growth, and assisting the continual update of information and strategies contained in the long-term economic program for the state.

Sec. 33. Section 5, chapter 125, Laws of 1984 as amended by section 137, chapter 266, Laws of 1986 and RCW 43.63A.065 are each amended to read as follows:

DEPARTMENT OF COMMUNITY DEVELOPMENT—PRIORITY BASED ON NEED. The department shall have the following functions and responsibilities:

(1) Cooperate with and provide technical and financial assistance to the local governments and to the local agencies serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give priority to local communities with the greatest relative need and the fewest resources.

(2) Administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

(3) Administer community services programs through private, nonprofit organizations and units of general purpose local government; these programs are directed to the poor and infirm and include community-based efforts to foster self-sufficiency and self-reliance, energy assistance programs, head start, and weatherization.

(4) Study issues affecting the structure, operation, and financing of local government as well as those state activities which involve relations with local government and report the results and recommendations to the governor, legislature, local government, and citizens of the state.

(5) Assist the governor in coordinating the activities of state agencies which have an impact on local governments and communities.

(6) Provide technical assistance to the governor and the legislature on community development policies for the state.

(7) Assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for low and moderate income persons, and qualify as a participating state agency for all programs of the Department of Housing and Urban Development or its successor.

(8) Support and coordinate local efforts to promote volunteer activities throughout the state.

(9) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions.

(10) Hold public hearings and meetings to carry out the purposes of this chapter.

(11) Provide a comprehensive state-level focus for state fire protection services, funding, and policy.

(12) Administer a program to identify, evaluate, and protect properties which reflect outstanding elements of the state's cultural heritage.

(13) Coordinate a comprehensive state program for mitigating, preparing for, responding to, and recovering from emergencies and disasters.

NEW SECTION. Sec. 34. A new section is added to chapter 43.31 RCW to read as follows:

ASSOCIATE DEVELOPMENT ORGANIZATION NETWORK FORMALIZED. (1) There is established in the department the local economic development service program. This program shall coordinate the delivery of economic development services to local communities or regional areas. It shall encourage a partnership between the public and private sectors and between state and local officials to encourage appropriate economic growth in communities throughout the state.

(2) The department's local economic development service program shall promote local economic development by assisting businesses to start-up, maintain, or expand their operations, by encouraging public infrastructure investment and private capital investment in local communities, and by expanding employment opportunities.

(3) The department's local economic development service program shall, among other things, (a) contract with local economic development nonprofit corporations, called 'associate development organizations,' for the delivery of economic development services to local communities or regional areas; (b) enter into interagency agreements with appropriate state agencies, such as the department of community development, the department of agriculture, and the employment security department, to coordinate the delivery of economic development services to local communities or regional areas; (c) enter into agreements with other

public organizations or institutions that provide economic development services, such as the small business development center, the Washington technology center, community colleges, vocational-technical institutes, the University of Washington, Washington State University, four-year colleges and universities, the federal small business administration, ports, and others, to coordinate the delivery of economic development services to local communities and regional areas; and (d) provide training, through contracts with public or private organizations, and other assistance to associate development organizations to the extent resources allow.

(4) It is the intent of the legislature that the associate development organizations coordinate, through local service agreements or other methods, the delivery of all available economic development services in their areas that are provided by public and private organizations, including state agencies.

(5) The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to more effectively build the local capacity of communities in the region.

(6) It is the intent of the legislature that state agencies and other public and private organizations enter into agreements with the department or associate development organizations to enhance the delivery of economic development services to local communities.

NEW SECTION, Sec. 35. A new section is added to chapter 43.31 RCW to read as follows:

INDUSTRIAL COMPETITIVENESS PROGRAM. The business assistance center within the department of trade and economic development shall create an industrial competitiveness program. The program shall (1) assist in the creation of self-supporting industry associations that develop cooperative programs for enhancing the competitiveness of their members, and (2) conduct an industrial census for use in sectoral assistance. The department may contract with educational institutions, private consultants, or nonprofit organizations to facilitate the program's efforts.

The department shall report to the legislature by January 1, 1991, on the work of the program and make recommendations to the legislature on strategies and delivery systems for improving the competitiveness of new and mature manufacturing sectors in the state.

NEW SECTION, Sec. 36. EVALUATION OF RESEARCH AND DEVELOPMENT PROGRAMS. (1)

The department of trade and economic development shall contract for an evaluation of publicly supported programs in the state that conduct research and development, provide technology transfer and commercialization services, and provide industrial extension services. The evaluation shall focus on the economic development and educational links to such programs.

(2) The department shall contract with a national expert on public sector involvement in science and technology and the utilization of applied research to support economic development.

(3) The evaluation shall analyze, among other things:

(a) The current public and private sector science and technology efforts in Washington state;

(b) The current public and private sector technology development, transfer, and commercialization efforts in Washington state;

(c) The current university-industry and private-public sector relationships in science and technology in Washington state;

(d) The current industrial extension activities of state educational institutions;

(e) The extent to which the efforts in (a), (b), (c), and (d) of this subsection are organized and coordinated on a state-wide basis;

(f) The current public sector efforts to transfer or protect new technology, including (i) the office of technology transfer at the University of Washington, (ii) the Washington research foundation, and (iii) the Washington State University research foundation; and

(g) The Washington technology center, created under RCW 28B.20.285, by conducting a comprehensive program strategy evaluation assessing the accomplishments and activities of the center regarding its perceived goals and objectives. The program strategy evaluation shall consider, but not be limited to:

(i) The science and technology areas focused on by the center in relation to the strengths and opportunities in the region and the state;

(ii) The economic impact of the Washington technology center to date;

(iii) Access to the Washington technology center throughout the state and by small and medium-sized businesses;

(iv) The commercialization of the Washington technology center's new technology;

(v) Whether the research is basic or applied and academically driven or industry-driven; and

(vi) The quality of the research.

(4) The evaluation required under this section shall include recommendations to the governor and the legislature. The recommendations shall be based on the reviews conducted under subsection (3) of this section and shall consider the efforts of other states in science and technology. The recommendations shall include, but not be limited to, the following:

(a) What structures the state should consider to most effectively identify and manage its science and technology interests;

(b) How the state can better coordinate public and private efforts in science and technology, particularly technology development, commercialization, and industrial extension;

(c) How the state can encourage and facilitate a greater number of entrepreneurs and small and medium-sized businesses having input and access to the Washington technology center, as well as access to commercially promising research being done at the state's universities and colleges;

(d) How the state can better assist in the formation of new business and the expansion of existing business to develop commercially promising technology into products and processes that result in more jobs and capital in the state;

(e) How public funds invested in science and technology can be effectively accounted for and evaluated; and

(f) Should the Washington technology center's structure or goals be changed based on the evaluation under subsection (3)(g) of this section.

(5) The department shall submit the evaluation and recommendations to the legislature and the governor by December 1, 1990.

NEW SECTION, Sec. 37. A new section is added to chapter 43.17 RCW to read as follows:

EXPEDITIOUS EXERCISE OF POWER TO ISSUE PERMITS, LICENSES, CERTIFICATIONS, CONTRACTS, AND GRANTS—COOPERATION. Where power is vested in a department to issue permits, licenses, certifications, contracts, grants, or otherwise authorize action on the part of individuals, businesses, local governments, or public or private organizations, such power shall be exercised in an expeditious manner. All departments with such power shall cooperate with officials of the business assistance center of the department of trade and economic development, and any other state officials, when such officials request timely action on the part of the issuing department.

NEW SECTION, Sec. 38. A new section is added to chapter 43.31 RCW to read as follows:

ASSISTANCE IN OBTAINING PERMITS, LICENSES, CERTIFICATIONS, AND GRANTS—RECOMMENDATIONS. (1) The business assistance center is authorized to assist individuals, businesses, local governments, and public or private organizations in obtaining permits, licenses, certifications, contracts, and grants that relate to economic development in the state and are required by law to be issued by state agencies.

(2) The business assistance center shall make recommendations to the governor and the legislature by January 1, 1991, regarding improvements in the processing of permits, licenses, certifications, contracts, and grants by state agencies. Such recommendations shall include recommendations on a process for resolving disputes that may arise when state agencies are requested to issue a permit, license, certification, contract, or grant.

NEW SECTION, Sec. 39. A new section is added to chapter 43.31 RCW to read as follows:

BID INFORMATION. The business assistance center of the department of trade and economic development shall make available on its electronic bulletin board a listing of all open bids issued by state agencies. The business assistance center shall develop and implement a marketing plan for this service to businesses and associate development organizations in the state.

The information made available on each bid shall include:

(1) A summary of the goods or services being requested;

(2) The start or delivery date specified in the bid request;

(3) The name, address, and telephone number of an individual from whom a business can obtain a complete bid package and further information; and

(4) When the bid is due.

The bid information may also be made available on a subscription basis through the mail. The business assistance center may charge a fee for bid information provided either electronically or through the mail to offset its costs. Associate development organizations shall receive bid information free of charge.

NEW SECTION, Sec. 40. A new section is added to chapter 43.19 RCW to read as follows:

BID INFORMATION—NOTIFICATION. 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 shall, when soliciting bids, notify the business assistance center of the department of trade and economic development in a format prescribed by the business assistance center and where possible by direct input to the electronic bulletin board, or if not possible by direct input, by either providing the information on a compatible data disk or if a compatible data disk is not reasonably possible, in writing, of the bid solicitation so that the information may be made available on the center's electronic bulletin board. The notification to the business assistance center shall include:

(1) A summary of the goods or services being requested;

(2) The start or delivery date specified in the bid request;

(3) The name, address, and telephone number of an individual from whom a business can obtain a complete bid package and further information; and

(4) When the bid is due.

The requirement of this section shall not apply to telephone requests for quotes authorized by the Washington state information services board created under chapter 43.105 RCW.

NEW SECTION. Sec. 41. A new section is added to chapter 82.32 RCW to read as follows:

BID INFORMATION—NOTICE TO BUSINESSES. The department of revenue shall send out a notice on the availability of bid information provided by the business assistance center under section 39 of this act twice during fiscal year 1991 and once yearly thereafter to all businesses paying taxes in this state.

Sec. 42. Section 12, chapter 446, Laws of 1985 as last amended by section 3, chapter 93, Laws of 1988 and RCW 43.155.070 are each amended to read as follows:

PUBLIC WORKS ASSISTANCE FUND—CONSIDER BENEFITS TO COMMUNITY. (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) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(g) Other criteria that the board considers advisable.

(3) 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.

(4) 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 description of the emergency loans made under RCW 43.155.065 during the preceding fiscal year and 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.

(5) 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.

(6) Subsections (4) and (5) of this section do not apply to loans made for emergency public works projects under RCW 43.155.065.

Sec. 43. Section 6, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 62, chapter 431, Laws of 1989 and RCW 43.160.060 are each amended to read as follows:

COMMUNITY ECONOMIC REVITALIZATION BOARD—CONSIDER BENEFITS TO RURAL COMMUNITY—DESTINATION TOURIST RESORTS. The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or

improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not make a grant or loan:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that probably would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only make grants or loans:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, ~~((and))~~ industrial distribution, and destination tourist resorts; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; or (iv) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the grant or loan is made.

(3) The board shall prioritize each proposed project according to the relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located. As long as there is more demand for loans or grants than there are funds available for loans or grants, the board is instructed to fund projects in order of their priority.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any loan or grant application is approved, the political subdivision seeking the loan or grant must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 44. Section 2, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 58, chapter 466, Laws of 1985 and RCW 43.160.020 are each amended to read as follows:

DESTINATION TOURIST RESORTS—DEFINITION. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Board' means the community economic revitalization board.

(2) 'Bond' means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) 'Department' means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) 'Destination tourist resort' means a master planned tourism and recreation complex that:

(a) is developed primarily as a location for recreation and tourism activities that will be used primarily by nonresidents of the immediate area;

(b) has elements that typically attract visitors for extended stays of two days or more;

(c) includes: (i) lodging facilities; (ii) eating and drinking establishments; and (iii) recreation and tourism amenities; and

(d) is generally located away from densely populated areas.

(5) 'Financial institution' means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

~~((5))~~ (6) 'Industrial development facilities' means 'industrial development facilities' as defined in RCW 39.84.020.

~~((6))~~ (7) 'Industrial development revenue bonds' means tax-exempt revenue bonds used to fund industrial development facilities.

~~((7))~~ (8) 'Local government' means any port district, county, city, or town.

~~((8))~~ (9) 'Sponsor' means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any

other financial institution, governmental agency, or holding company of any entity specified in this subsection.

~~((9))~~ (10) 'Umbrella bonds' means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

~~((10))~~ (11) 'User' means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

Sec. 45. Section 5, chapter 164, Laws of 1985 as last amended by section 9, chapter 430, Laws of 1989 and RCW 43.168.050 are each amended to read as follows:

DEVELOPMENT LOAN FUND COMMITTEE—CONSIDER BENEFITS TO RURAL COMMUNITY.

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Will result in the creation of employment opportunities or the maintenance of threatened employment;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, and the employment of disadvantaged workers, will primarily accrue to residents of the area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(4) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(5) (a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(6) The committee shall fix the terms and rates pertaining to its loans.

(7) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the 'greatest amount of employment or benefit' the committee shall also consider the employment which would be saved by its loan and the benefit relative to the community, not just the total number of new jobs or jobs saved.

(8) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(9) The committee shall not approve any application to finance or help finance a shopping mall.

(10) The committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. The committee shall not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

(11) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

Sec. 46. Section 7, chapter 125, Laws of 1984 as amended by section 33, chapter 505, Laws of 1987 and RCW 43.63A.078 are each amended to read as follows:

TECHNICAL ASSISTANCE GRANTS. (1) The department shall develop and administer a local development matching fund program. To be eligible to receive funds under this program, an organization must be a local government or a nonprofit local development entity. Any local government or entity requesting funds must demonstrate the participation of a cross-section of the local community in the economic development project, including business, labor, education and training, and the public sector. Under this program, the department shall provide matching funds which shall be used for the formulation of local economic development

strategies, including the technical analysis necessary to designate and carry out the strategies. A technical analysis can include, but is not limited to, the development and dissemination of data on local markets, demographics, comparative business costs, site availability, labor force characteristics, and local incentives. Funds are to be used primarily to foster new developments and expansions which result in the trading of goods and services outside of the state's borders. Funds may be made available for assisting local businesses in utilizing state and federal programs in exporting, training, and financing. Funds may also be used to provide technical assistance to businesses in the areas of land use, transportation, site location, and manpower training. Matching funds cannot be used for entertainment, capital expenses, hosting, or marketing. Funds granted for economic development projects must be matched by local resources on a dollar-for-dollar basis. Not more than fifty thousand dollars of state matching funds as provided by this section may be used for any one project.

(2) The department shall set aside, within its general fund appropriation, a sum of two hundred thousand dollars per biennium for technical assistance grants to assist community-based organizations in their efforts contributing to the redevelopment and economic well-being of low-income areas.

A maximum of forty percent of the funds set aside for technical assistance purposes provided in this subsection may be made available for technical assistance in organizational and board development to those organizations demonstrating a reasonable probability that such assistance will help them undertake a development project. A minimum of sixty percent of the funds set aside for technical assistance purposes shall be used for projects which meet the following standards:

(a) Community-based organizations have or will have a minimum ten percent ownership of the development project;

(b) The project is within a low-income area;

(c) The project has provided reasonable assurance that it will conform to all applicable environmental, zoning, and building laws;

(d) The benefits of the project, including the addition or retention of employment and of capital in the low-income area, shall primarily accrue to the residents of the area;

(e) There is a reasonable expectation that the project will be successful, and that the eligible organization and project participants are responsible parties;

(f) Alternative sources, including other agencies or institutions of the state or federal government, have been sought and are either insufficient or unavailable to meet the needs of the project;

(g) The technical assistance to be provided is essential to the success of the project;

(h) Provision has been made for the active participation in the project of residents of the low-income area; and

(i) Provisions have been made for reporting by the eligible organization concerning the manner in which the technical assistance is used on the project and the extent to which it achieves its intended results.

The amount required to be set aside under this section for the biennium ending June 30, 1991, shall be reduced or eliminated if a specific appropriation for the full amount required under this subsection is not made to the department by June 30, 1989.

Grant recipients under this subsection may be community-based organizations or state-wide organizations which provide technical assistance to community-based organizations.

(3) For purposes of subsection (2) of this section, 'community-based organization' means:

(a) A nonprofit corporation organized under state law that:

(i) Is organized to operate within a specific substate area;

(ii) Has experience operating programs which directly benefit low-income citizens;

(iii) Has low-income people or representatives of organizations serving the low income on its board of directors.

(b) Any Native American tribal governing body.

NEW SECTION, Sec. 47. A new section is added to chapter 43.63A RCW to read as follows:

LOW-INCOME SELF EMPLOYMENT. The department of community development shall implement a self-employment loan program. The program shall provide grants to local development organizations to use solely in revolving loan funds to finance the small businesses of low-income persons. Grants are to be distributed through a competitive application process to be administered by the department in consultation with an advisory committee. Any organization receiving a grant must: (1) Demonstrate the need for a low-income, self-employment project in its community; (2) demonstrate the capacity of the organization to administer the project; and (3) describe the loan procedure and the self-employment training and support programs into which the loan fund will be incorporated. No grant shall be greater than sixty thousand dollars. An organization may provide loans from the grant award of no greater than five thousand dollars. No more than ten percent of any appropriation to the department for the program may be used by the department for administrative costs.

NEW SECTION, Sec. 48. APPROPRIATION--GENERAL FUND. Three million dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of

community development, for the biennium ending June 30, 1991, solely for the purpose of implementing section 4 of this act.

NEW SECTION. Sec. 49. (1) Sections 1 through 14 of this act shall constitute a new chapter in Title 36 RCW.

(2) Sections 15 through 18 of this act shall constitute a new chapter in Title 47 RCW.

Sec. 50. Section 5, chapter 137, Laws of 1974 ex. sess. as last amended by section 47, chapter 36, Laws of 1988 and RCW 76.09.050 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource that may be conducted without submitting an application or a notification;

Class II: Forest practices which have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. Class II shall not include forest practices:

(a) On lands platted after January 1, 1960, or being converted to another use;

(b) Which require approvals under the provisions of the hydraulics act, RCW 75.20.100;

(c) Within 'shorelines of the state' as defined in RCW 90.58.030; or

(d) Excluded from Class II by the board;

Class III: Forest practices other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application;

Class IV: Forest practices other than those contained in Class I or II: (a) On lands platted after January 1, 1960, (b) on lands being converted to another use, (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, and/or (d) which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. Such evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the state environmental policy act.

(2) No Class II, Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended: PROVIDED, That any person commencing a forest practice during 1974 may continue such forest practice until April 1, 1975, if such person has submitted an application to the department prior to January 1, 1975: PROVIDED, FURTHER, That in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) If a notification or application is delivered in person to the department by the operator or his agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Forest practices shall be conducted in accordance with the forest practices regulations, orders and directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) The department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That

if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days: PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section. Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology, wildlife, and fisheries, and to the county (~~(in which)~~), city, or town in whose jurisdiction the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

(6) If the county, city, or town believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

(7) The department shall not approve portions of applications to which a county, city, or town objects if:

(a) The department receives written notice from the county, city, or town of such objections within fourteen business days from the time of transmittal of the application to the county, city, or town, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to lands either:

(i) Platted after January 1, 1960; or

(ii) Being converted to another use.

The department shall either disapprove those portions of such application or appeal the county, city, or town objections to the appeals board. If the objections related to subparagraphs (b) (i) and (ii) of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county, city, or town consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county, city, or town objections. Unless the county, city, or town either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county, city, or town objections has expired.

(8) In addition to any rights under the above paragraph, the county, city, or town may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(9) Appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.220(8). In such appeals there shall be no presumption of correctness of either the county, city, or town or the department position.

(10) The department shall, within four business days notify the county, city, or town of all notifications, approvals, and disapprovals of an application affecting lands within the county, city, or town, except to the extent the county, city, or town has waived its right to such notice.

(11) A county, city, or town may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

Sec. 51. Section 6, chapter 137, Laws of 1974 ex. sess. as amended by section 3, chapter 200, Laws of 1975 1st ex. sess. and RCW 76.09.060 are each amended to read as follows:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices regulations shall specify by whom and under what conditions the notification and application shall be signed. The application or notification shall be delivered in person or sent by certified mail to the department. The information required may include, but shall not be limited to:

(a) Name and address of the forest land owner, timber owner, and operator;

(b) Description of the proposed forest practice or practices to be conducted;

(c) Legal description of the land on which the forest practices are to be conducted;

(d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and major tractor roads;

(e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

(f) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices regulations;

(g) Soil, geological, and hydrological data with respect to forest practices;

(h) The expected dates of commencement and completion of all forest practices specified in the application;

(i) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources; and

(j) An affirmation that the statements contained in the notification or application are true.

(2) At the option of the applicant, the application or notification may be submitted to cover a single forest practice or any number of forest practices within reasonable geographic or political boundaries as specified by the department. Long range plans may be submitted to the department for review and consultation.

(3) The application shall indicate whether any land covered by the application will be converted or is intended to be converted to a use other than commercial timber production within three years after completion of the forest practices described in it.

(a) If the application states that any such land will be or is intended to be so converted:

(i) The reforestation requirements of this chapter and of the forest practices regulations shall not apply if the land is in fact so converted unless applicable alternatives or limitations are provided in forest practices regulations issued under RCW 76.09.070 as now or hereafter amended;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.28, 84.33, and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city, town, and regional governmental authority permitted under RCW 76.09.240 as now or hereafter amended as well as the forest practices regulations.

(b) If the application does not state that any land covered by the application will be or is intended to be so converted:

(i) For six years after the date of the application the county ((or)), city, town, and regional governmental entities may deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of land subject to the application;

(ii) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal from classification under the provisions of RCW 84.28.065, a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes; and

(iii) Conversion to a use other than commercial timber operations within three years after completion of the forest practices without the consent of the county ((or municipality)), city, or town shall constitute a violation of each of the county, municipal city, town, and regional authorities to which the forest practice operations would have been subject if the application had so stated.

(c) The application shall be either signed by the land owner or accompanied by a statement signed by the land owner indicating his or her intent with respect to conversion and acknowledging that he or she is familiar with the effects of this subsection.

(4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department two days before the commencement of actual operations.

(5) Before the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, there shall be submitted to the department a new application or notification form in the manner set forth in this section.

(6) The notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of one year from the date of approval or notification and shall not be renewed unless a new application is filed and approved or a new notification has been filed.

(7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice.

NEW SECTION, Sec. 52. Section headings as used in this act do not constitute any part of the law.

NEW SECTION, Sec. 53. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "growth:" strike the remainder of the title and insert "amending RCW 36.81.121, 35.77.010, 35.58.2795, 43.210.010, 43.210.020, 43.31.005, 43.31.035, 43.63A.065, 43.155.070, 43.160.060, 43.160.020, 43.168.050, 43.63A.078, 76.09.050, and 76.09.060; adding new sections to chapter 36.70 RCW; adding new sections to chapter 35.63 RCW; adding new sections to chapter 35A.63 RCW; adding a new chapter to Title 36 RCW; adding a new chapter to Title 47 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 43.19 RCW; adding a new section to

chapter 82.32 RCW; adding a new section to chapter 43.63A RCW; creating new sections; and making an appropriation."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Cantwell moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 2929.

MOTION

Mr. Betrozoff moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2929.

Mr. Betrozoff spoke in favor of the motion.

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

Representatives Cantwell, Nutley, Heavey, Phillips, Belcher, Ebersole and Braddock spoke against the motion, and Ms. Brough spoke in favor of it. Mr. Betrozoff again spoke in favor of the motion.

ROLL CALL

The Clerk called the roll on the motion by Representative Betrozoff to concur in the Senate amendments to Engrossed Substitute House Bill No. 2929, and the motion was not carried by the following vote: Yeas, 31; nays, 63; excused, 3.

Voting yea: Representatives Ballard, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Doty, Ferguson, Forner, Fuhrman, Hankins, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Wolfe, Wood, Youngsman - 31.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Heavey, Hine, Holland, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 63.

Excused: Representatives Baugher, Beck, Haugen - 3.

The Speaker stated that, by its action, the House refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 2929.

MOTION

Ms. Cantwell moved that the House ask the Senate for a conference on Engrossed Substitute House Bill No. 2929. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Cantwell, Nutley and Betrozoff as conferees on Engrossed Substitute House Bill No. 2929.

MESSAGE FROM THE SENATE

February 28, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 6407 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators McDonald, Gaspard and Cantu, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Locke moved that the House grant the request of the Senate for a conference on Substitute Senate Bill No. 6407. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Locke, Ebersole and Silver as conferees on Substitute Senate Bill No. 6407.

MESSAGES FROM THE SENATE

March 2, 1990

Mr. Speaker:

The Senate concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 6190, and passed the bill as amended by the House.

Gordon A. Golob, Secretary.

March 3, 1990

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5206,
 SUBSTITUTE SENATE BILL NO. 5554,
 SUBSTITUTE SENATE BILL NO. 5594,
 SECOND SUBSTITUTE SENATE BILL NO. 5882,
 SENATE BILL NO. 6180,
 SECOND SUBSTITUTE SENATE BILL NO. 6216,
 SENATE BILL NO. 6292,
 SUBSTITUTE SENATE BILL NO. 6305,
 SUBSTITUTE SENATE BILL NO. 6326,
 SENATE BILL NO. 6388,
 SUBSTITUTE SENATE BILL NO. 6389,
 SUBSTITUTE SENATE BILL NO. 6390,
 SENATE BILL NO. 6391,
 SENATE BILL NO. 6392,
 SUBSTITUTE SENATE BILL NO. 6393,
 SENATE BILL NO. 6394,
 SUBSTITUTE SENATE BILL NO. 6395,
 SENATE BILL NO. 6396,
 SENATE BILL NO. 6451,
 SUBSTITUTE SENATE BILL NO. 6467,
 SENATE BILL NO. 6470,
 SENATE BILL NO. 6520,
 SENATE BILL NO. 6533,
 SENATE BILL NO. 6535,
 SENATE BILL NO. 6588,
 SUBSTITUTE SENATE BILL NO. 6589,
 SENATE BILL NO. 6606,
 SUBSTITUTE SENATE BILL NO. 6608,
 SECOND SUBSTITUTE SENATE BILL NO. 6731,
 SENATE BILL NO. 6777,
 SENATE BILL NO. 6802,
 SENATE BILL NO. 6897,
 SENATE JOINT MEMORIAL NO. 8003,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

SENATE AMENDMENTS TO HOUSE BILL

February 27, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1323 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 192, Laws of 1987 as amended by section 1, chapter 195, Laws of 1988 and RCW 41.54.010 are each amended to read as follows:

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

(1) 'Base salary' means salaries or wages earned by a member of a system during a payroll period for personal services and includes wages and salaries deferred under provisions of the United States internal revenue code, but shall exclude overtime payments, nonmoney maintenance compensation, and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, any form of severance pay, any bonus for voluntary retirement, any other form of leave, or any similar lump sum payment.

(2) 'Department' means the department of retirement systems.

(3) 'Director' means the director of the department of retirement systems.

(4) 'Dual member' means a person who (a) is or becomes a member of a system on or after July 1, 1988, (b) has been a member of one or more other systems, and (c) has never been retired for service from a retirement system and is not receiving a disability retirement or disability leave benefit from any retirement system listed in RCW 41.50.030 or subsection (6) of this section.

(5) 'Service' means the same as it may be defined in each respective system. For the purposes of RCW 41.54.030, military service granted under RCW 41.40.170(3) or 43.43.260 may only be based on service accrued under chapter 41.40 or 43.43 RCW, respectively.

(6) 'System' means the retirement systems established under chapters 41.32, 41.40, 41.44, and 43.43 RCW and the city employee retirement systems for Seattle, Tacoma, and Spokane. The inclusion of an individual first class city system is subject to the procedure set forth in (~~RCW 41.54.060~~) section 3 of this act.

Sec. 2. Section 3, chapter 192, Laws of 1987 as amended by section 2, chapter 195, Laws of 1988 and RCW 41.54.030 are each amended to read as follows:

(1) A dual member's service in all systems may be combined for the sole purpose of determining the member's eligibility to receive a service retirement allowance. (~~This subsection does not, however, permit a member to combine service for the purpose of determining the percentage factor to be used in calculating a service retirement allowance in the city employee retirement systems for Seattle and Tacoma.~~)

(2) A dual member who is eligible to retire under any system may elect to retire from all the member's systems and to receive service retirement allowances calculated as provided in this section. Each system shall calculate the allowance using its own criteria except that the member shall be allowed to substitute the member's base salary from any system as the compensation used in calculating the allowance.

(3) The service retirement allowances from a system which, but for this section, would not be allowed to be paid at this date based on the dual member's age shall be either actuarially adjusted from the earliest age upon which the combined service would have made such dual member eligible in that system, or the dual member may choose to defer the benefit until fully eligible.

NEW SECTION. Sec. 3. A new section is added to chapter 41.54 RCW to read as follows:

(1) The cities of Seattle, Spokane, and Tacoma shall each have the option of making an irrevocable election to have its employee retirement system included in the coverage of this chapter by adopting a resolution transmitting it to the director and the joint committee on pension policy prior to December 1, 1990.

The resolution shall indicate the city's desire to be covered by this chapter and its willingness to pay for the cost of the benefits provided by this chapter.

(2) This chapter shall become effective on January 1, 1991, for each city which adopts a resolution pursuant to subsection (1) of this section. However, if all three cities adopt such resolutions prior to June 1, 1990, the provisions of this chapter shall become effective for those systems on July 1, 1990.

Sec. 4. Section 13, chapter 274, Laws of 1947 as last amended by section 25, chapter 109, Laws of 1988 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):

(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: (a) Membership in the plan created under chapter 2.14 RCW; or (b) 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: (a) Transferring all of its current employees to the retirement system established under this chapter, or (b) allowing newly hired employees the option of continuing coverage under the retirement system established by 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. 5. Section 4, chapter 192, Laws of 1987 as amended by section 3, chapter 195, Laws of 1988 and RCW 41.54.040 are each amended to read as follows:

(1) ~~(The)~~ Except where subsection (4) of this section applies, retirement allowances calculated under RCW 41.54.030 shall be paid separately by each respective current and prior system. Any deductions from such separate payments shall be according to the provisions of the respective systems.

(2) Postretirement adjustments, if any, shall be applied by the respective systems based on the payments made under subsection (1) of this section.

(3) If a dual member dies in service in any system, the surviving spouse shall receive the same benefit from each system that would have been received if the member were active in the system at the time of death based on service actually established in that system. However, this subsection does not make a surviving spouse eligible for the survivor benefits provided in RCW 43.43.270.

(4) The department shall adopt rules under chapter 34.05 RCW to ensure that where a dual member has service in a system established under chapter 41.32, 41.40, 41.44, or 43.43 RCW and service under the city employee retirement system for Seattle, Tacoma, or Spokane, the entire additional cost incurred as a result of the dual member receiving a benefit under this chapter shall be borne by the city retirement system that the person is a member of.

NEW SECTION. Sec. 6. Section 6, chapter 192, Laws of 1987 and RCW 41.54.060 are each repealed.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "benefits," strike the remainder of the title and insert "amending RCW 41.54.010, 41.54.030, 41.40.120, and 41.54.040; adding a new section to chapter 41.54 RCW; repealing RCW 41.54.060; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Hine moved that the House do concur in the Senate amendments to House Bill No. 1323.

Representatives Hine and Silver spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1323 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1323 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nulley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

House Bill No. 1323 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 28, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2290 with the following amendments:

Strike everything after the enacting clause and insert the following:

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

(1) A number of commercial fisheries have emerged or expanded in the past decade;

(2) Scientific information is critical to the proper management of an emerging or expanding commercial fishery; and

(3) The scientific information necessary to manage an emerging or expanding commercial fishery can best be obtained through the use of limited experimental fishery permits allowing harvest levels that will preserve and protect the state's food fish and shellfish resource.

NEW SECTION, Sec. 2. A new section is added to chapter 75.30 RCW to read as follows:

(1) The director may by rule designate a fishery as an emerging commercial fishery.

(2) The director may issue experimental fishery permits for commercial harvest in an emerging commercial fishery. The director shall determine by rule the number and qualifications of participants for such experimental fishery permits. The director shall limit the number of these permits to prevent habitat damage, ensure conservation of the resource, and prevent overharvesting. In developing rules for limiting participation in an emerging or expanding commercial fishery, the director shall appoint a five-person advisory board representative of the affected fishery industry. The advisory board shall review and make recommendations to the director on rules relating to the number and qualifications of the participants for such supplemental fishery permits.

(3) RCW 34.05.422(3) does not apply to applications for new experimental fishery permits.

(4) Upon request of a vessel owner, the director may allow the vessel owner to temporarily transfer the experimental fishery permit to a leased or rented vessel. The director shall allow such temporary transfers only when the vessel holding the experimental fishery permit is disabled.

NEW SECTION, Sec. 3. A new section is added to chapter 75.30 RCW to read as follows:

Whenever the director promulgates a rule designating an emerging commercial fishery, the legislative standing committees of the house of representatives and senate dealing with fisheries issues shall be notified of the rule and its justification thirty days prior to the effective date of the rule.

NEW SECTION, Sec. 4. A new section is added to chapter 75.30 RCW to read as follows:

Within five years after adopting rules to govern the number and qualifications of participants in an emerging commercial fishery, the director shall provide to the appropriate senate and house of representatives committees a report which outlines the status of the fishery and a recommendation as to whether a separate commercial license, license fee, or endorsement and/or a limited harvest program should be established for that fishery.

NEW SECTION, Sec. 5. A new section is added to chapter 75.10 RCW to read as follows:

Upon conviction of a person for violation of the conditions or requirements of an experimental fishery permit or provisions of this title or rule of the director while engaged in an emerging commercial fishery, the director may suspend or revoke the experimental fishery permit and all fishing privileges pursuant thereto or present the conditions under which the experimental fishery permit may be reissued. That suspension or revocation shall become effective on the date the director gives the notice prescribed in RCW 34.05.422(1)(c).

For the purposes of this section, the term 'conviction' means a final conviction in a state or municipal court. An unvacated forfeiture of bail or collateral of more than two hundred fifty dollars deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this title is equivalent to a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

Sec. 6. Section 75.04.010, chapter 12, Laws of 1955 as last amended by section 1, chapter 218, Laws of 1989 and RCW 75.08.011 are each amended to read as follows:

As used in this title or rules of the director, unless the context clearly requires otherwise:

- (1) 'Director' means the director of fisheries.
- (2) 'Department' means the department of fisheries.
- (3) 'Person' means an individual or a public or private entity or organization. The term 'person' includes local, state, and federal government agencies, and all business organizations.
- (4) 'Fisheries patrol officer' means a person appointed and commissioned by the director, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.
- (5) 'Ex officio fisheries patrol officer' means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in

general, while the officer is in the appropriate jurisdiction. The term 'ex officio fisheries patrol officer' also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(6) 'To fish' and 'to take' and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.

(7) 'State waters' means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(8) 'Offshore waters' means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(9) 'Concurrent waters of the Columbia river' means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(10) 'Resident' means a person who has for the preceding ninety days maintained a permanent abode within the state, has established by formal evidence an intent to continue residing within the state, and is not licensed to fish as a resident in another state.

(11) 'Nonresident' means a person who has not fulfilled the qualifications of a resident.

(12) 'Food fish' means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director. The term 'food fish' includes all stages of development and the bodily parts of food fish species.

(13) 'Shellfish' means those species of marine and freshwater invertebrates that shall not be taken except as authorized by rule of the director. The term 'shellfish' includes all stages of development and the bodily parts of shellfish species.

(14) 'Salmon' means all species of the genus *Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

Scientific Name	Common Name
<i>Oncorhynchus tshawytscha</i>	Chinook salmon
<i>Oncorhynchus kisutch</i>	Coho salmon
<i>Oncorhynchus keta</i>	Chum salmon
<i>Oncorhynchus gorbuscha</i>	Pink salmon
<i>Oncorhynchus nerka</i>	Sockeye salmon

(15) 'Commercial' means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(16) 'To process' and its derivatives mean preparing or preserving food fish or shellfish.

(17) 'Personal use' means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(18) 'Angling gear' means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel to which are attached no more than two single hooks or one artificial bait with no more than four multiple hooks.

(19) 'Emerging commercial fishery' means any commercial fishery:

(a) For food fish or shellfish so designated by rule of the director, except that no species harvested under a license limitation program contained in chapter 75.30 RCW may be designated as a species in an emerging commercial fishery.

(b) Which will include, subject to the limitation in (a) of this subsection, all species harvested for commercial purposes as of the effective date of this act and the future commercial harvest of all other species in the waters of the state of Washington.

(20) 'Experimental fishery permit' means a permit issued by the director to allow the recipient to engage in an emerging commercial fishery.'

On page 1, line 2 of the title, after "process," strike the remainder of the title and insert "amending RCW 75.08.011; adding new sections to chapter 75.30 RCW; adding a new section to chapter 75.10 RCW; and creating a new section."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. R. King moved that the House do concur in the Senate amendments to House Bill No. 2290.

Mr. R. King spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 2290 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2290 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

House Bill No. 2290 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2299 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 80.36 RCW to read as follows:

(1) As used in this section, "teletfacsimile message" means the transmittal of electronic signals over telephone lines for conversion into written text.

(2) No person, corporation, partnership, or association shall initiate the unsolicited transmission of teletfacsimile messages promoting goods or services for purchase by the recipient.

(3) (a) Except as provided in (b) of this subsection, this section shall not apply to teletfacsimile messages sent to a recipient with whom the initiator has had a prior contractual or business relationship.

(b) A person shall not initiate an unsolicited teletfacsimile message under the provisions of (a) of this subsection if the person knew or reasonably should have known that the recipient is a governmental entity.

(4) Notwithstanding subsection (3) of this section, it is unlawful to initiate any teletfacsimile message to a recipient who has previously sent a written or teletfacsimile message to the initiator clearly indicating that the recipient does not want to receive teletfacsimile messages from the initiator.

(5) The unsolicited transmission of teletfacsimile messages promoting goods or services for purchase by the recipient is a matter affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. The transmission of unsolicited teletfacsimile messages is not reasonable in relation to the development and preservation of business. A violation of this section is an unfair or deceptive act in trade or commerce for the purpose of applying the consumer protection act, chapter 19.86 RCW. Damages to the recipient of teletfacsimile messages in violation of this section are five hundred dollars or actual damages, whichever is greater.

(6) Nothing in this section shall be construed to prevent the Washington utilities and transportation commission from adopting additional rules regulating transmissions of teletfacsimile messages."

On page 1, line 2 of the title, after "solicitation," strike the remainder of the title and insert "and adding a new section to chapter 80.36 RCW."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Nelson moved that the House refuse to concur in the Senate amendments to Engrossed House Bill No. 2299 and ask the Senate to recede therefrom.

Mr. Nelson spoke in favor of the motion, and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2342 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 204, Laws of 1967 as amended by section 80, chapter 266, Laws of 1986 and RCW 9.40.100 are each amended to read as follows:

(1) Any person who willfully and without cause tampers with, molests, injures or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment, or who willfully and without having reasonable grounds for believing a fire exists, sends, gives, transmits, or sounds any false alarm of fire, by shouting in a public place or by means of any public or private fire alarm system or signal, or by telephone, is guilty of a misdemeanor. This provision shall not prohibit the testing of fire alarm systems by persons authorized to do so, by a fire department or the director of community development, through the director of fire protection.

(2) Any person who willfully and without cause tampers with, molests, injures, or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment with the intent to commit arson, is guilty of a felony.

NEW SECTION. Sec. 2. The following words or terms shall have the meanings indicated unless the context clearly indicates otherwise.

(1) 'Certificate of competency holder' means an individual who has satisfactorily met the qualifications and has received a certificate of competency from the state director of fire protection under the provisions of this chapter.

(2) 'Fire protection sprinkler system contractor' means a person or organization that offers to undertake the execution of contracts for the installation, inspection, maintenance, or servicing of a fire protection sprinkler system or any part of such a system.

(3) 'Fire protection sprinkler system' means an assembly of underground and/or overhead piping or conduit beginning at the connection to the primary water supply, whether public or private, that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire and to provide protection from exposure to fire or other products of combustion.

(4) 'Fire protection sprinkler system contractor's license' means the license issued by the state director of fire protection to a fire protection sprinkler system contractor upon an application being approved, the fee being paid, and the satisfactory completion of the requirements of this chapter. The license shall be issued in the name of the fire protection sprinkler system contractor with the name or names of the certificate of competency holder noted thereon.

(5) 'NFPA 13-D' means whatever standard that is used by the national fire protection association for the installation of fire protection sprinkler systems in one or two-family residential dwellings or mobile homes.

(6) 'NFPA 13-R' means whatever standard that is used by the national fire protection association for the installation of fire protection sprinkler systems in residential dwellings up to four stories in height.

(7) 'Inspection' means a visual examination of a fire protection sprinkler system or portion of the system to verify that the system appears to be in operating condition and is free from physical damage and complies with the applicable statutes and regulations adopted by the state director of fire protection.

(8) 'Installation' means the initial placement of fire protection sprinkler system equipment or the extension, modification, or alteration of equipment after the initial placement. Installation shall include the work from a street or main water access throughout the entire building.

(9) 'Maintenance' means to maintain in the condition of repair that provides performance as originally planned.

(10) 'Organization' means a corporation, partnership, firm, or other business association, governmental entity, or any other legal or commercial entity.

(11) 'Person' means a natural person, including an owner, manager, partner, officer, employee, or occupant.

(12) 'Service' means to repair or test.

NEW SECTION. Sec. 3. (1) A municipality or county may not enact an order, ordinance, rule, or regulation requiring a fire protection sprinkler system contractor to obtain a fire sprinkler contractor license from the municipality or county. However, a municipality or county may require a fire protection sprinkler system contractor to obtain a permit and pay a fee for the installation of a fire protection sprinkler system and require the installation of such systems to conform with the building code or other construction requirements of the municipality or county, but may not impose financial responsibility requirements other than proof of a valid license.

(2) This chapter does not apply to:

(a) United States, state, and local government employees, building officials, fire marshals, fire inspectors, or insurance inspectors when acting in their official capacities;

(b) A person or organization acting under court order;

(c) A person or organization that sells or supplies products or materials to a licensed fire protection sprinkler system contractor;

(d) A registered professional engineer acting solely in a professional capacity;

(e) An employee of a licensed fire protection sprinkler system contractor performing duties for the registered fire protection sprinkler system contractor; and

(f) An owner/occupier of a single-family residence performing his or her own installation in that residence.

NEW SECTION. Sec. 4. (1) This chapter shall be administered by the state director of fire protection.

(2) The state director of fire protection shall have the authority, and it shall be his or her duty to:

(a) Issue such administrative regulations as necessary for the administration of this chapter;

(b) Set reasonable fees for licenses, certificates, testing, and other aspects of the administration of this chapter. However, the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-D fire protection sprinkler systems shall not exceed one hundred dollars, and the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-R fire protection sprinkler systems shall not exceed three hundred dollars;

(c) Enforce the provisions of this chapter;

(d) Conduct investigations of complaints to determine if any infractions of this chapter or the regulations developed under this chapter have occurred; and

(e) Work with the fire sprinkler advisory committee consisting of fire protection sprinkler system contractors and other related officials;

(f) Assign a certificate number to each certificate of competency holder; and

(g) Adopt rules necessary to implement and administer a program which requires the affixation of a seal any time a fire protection sprinkler system is installed, which seal shall include the certificate number of any certificate of competency holder who installs, in whole or in part, the fire protection sprinkler system.

NEW SECTION. Sec. 5. (1) To become a certificate of competency holder under this chapter, an applicant must have satisfactorily passed an examination administered by the state director of fire protection. A certificate of competency holder can satisfy this examination requirement by presenting a copy of a current certificate of competency from the national institute for certification in engineering technologies showing that the applicant has achieved the classification of engineering technician level 3 or senior engineering technician level 4 in the field of fire protection, automatic sprinkler system layout. The state director of fire protection may accept equivalent proof of qualification in lieu of examination, as recommended by the fire sprinkler advisory committee. This examination requirement is mandatory except as otherwise provided in this chapter.

(2) Every applicant for a certificate of competency shall fulfill the requirements established by the state director of fire protection and the fire protection sprinkler system technical advisory committee under chapter 34.05 RCW.

(3) Every applicant for a certificate of competency shall make application to the state director of fire protection and pay the fees required.

(4) Provided the application for the certificate of competency is made prior to ninety days after the effective date of this section, the state director of fire protection, in lieu of the examination requirements of the applicant for a certificate of competency, may accept as satisfactory evidence of competency and qualification, affidavits attesting that the applicant has had a minimum of three years' experience.

(5) The state director of fire protection may, after consultation with the fire sprinkler advisory committee, issue a temporary certificate of competency to an applicant who, in his or her judgment, will satisfactorily perform as a certificate of competency holder under the provisions of this chapter. The temporary certificate of competency shall remain in effect for a period of up to three years. The temporary certificate of competency holder shall, within the three-year period, complete the examination requirements specified in subsection (1) of this section. There shall be no examination exemption for an individual issued a temporary certificate of competency. Prior to the expiration of the three-year period, the temporary certificate of competency holder shall make application for a regular certificate of competency. The procedures and qualifications for issuance of a regular certificate of competency shall be applicable to the temporary certificate of competency holder. When a temporary certificate of competency expires, the holder shall cease all activities associated with the holding of a temporary certificate of competency, subject to the penalties contained in this chapter.

(6) To become a licensed fire protection sprinkler system contractor under this chapter, a person or firm must comply with the following:

(a) Must be or have in his or her full-time employ a holder of a valid certificate of competency;

(b) Comply with the minimum insurance requirements of this chapter; and

(c) Make application to the state director of fire protection for a license and pay the fees required.

(7) Each license and certificate of competency issued under this chapter must be posted in a conspicuous place in the fire protection sprinkler system contractor's place of business.

(8) All bids, advertisements, proposals, offers, and installation drawings for fire protection sprinkler systems must prominently display the fire protection sprinkler system contractor's license number.

(9) A certificate of competency or license issued under this chapter is not transferable.

(10) In no case shall a certificate of competency holder be employed full time by more than one fire protection sprinkler system contractor at the same time. If the certificate of competency holder should leave the employment of the fire protection sprinkler system contractor, he or she must notify the state director of fire protection within thirty days. If the certificate of competency holder should leave the employment of the fire protection sprinkler system contractor, the contractor shall have six months or until the expiration of the current license, whichever occurs last, to submit a new application identifying another certificate of competency holder who is at the time of application an owner of the fire protection sprinkler system business or a full-time employee of the fire protection sprinkler system contractor, in order to be issued a new license. If such application is not received and a new license issued within the allotted time, the state director of fire protection shall revoke the license of the fire protection sprinkler system contractor.

NEW SECTION, Sec. 6. (1) (a) All certificate of competency holders that desire to continue in the fire protection sprinkler business shall annually, prior to January 1, secure from the state director of fire protection a renewal certificate of competency upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the certificate holder shall furnish the information required by the director.

(b) Failure of any certificate of competency holder to secure his or her renewal certificate of competency within sixty days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the certificate of competency.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a certificate of competency that has been suspended for failure to pay the renewal fee.

(d) A certificate of competency holder may voluntarily surrender his or her certificate of competency to the state director of fire protection and be relieved of the annual renewal fee. After surrendering the certificate of competency, he or she shall not be known as a certificate of competency holder and shall desist from the practice thereof. Within two years from the time of surrender of the certificate of competency, he or she may again qualify for a certificate of competency, without examination, by the payment of the required fee. If two or more years have elapsed, he or she shall return to the status of a new applicant.

(2) (a) All licensed fire protection sprinkler system contractors desiring to continue to be licensed shall annually, prior to January 1, secure from the state director of fire protection a renewal license upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the license holder shall furnish the information required by the director.

(b) Failure of any license holder to secure his or her renewal license within sixty days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the license.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a license that has been suspended for failure to pay the renewal fee.

(3) The initial certificate of competency or license fee shall be prorated based upon the portion of the year such certificate of competency or license is in effect, prior to renewal on January 1.

(4) The fire protection contractor license fund is created in the custody of the state treasurer. All receipts from license and certificate fees and charges or from the money generated by the rules and regulations promulgated under this chapter shall be deposited into the fund. Expenditures from the fund may be used only for purposes authorized under this chapter. Only the state director of fire protection or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION, Sec. 7. The state director of fire protection shall not issue a license under this chapter unless the fire protection sprinkler system contractor files with the state director a surety bond executed by a surety company authorized to do business in this state in the sum of ten

thousand dollars conditioned to compensate third-party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this chapter. However, the surety bond for a fire protection sprinkler system contractor whose business is restricted solely to NFPA 13-D or NFPA 13-R systems shall be six thousand dollars. Upon approval by the state director of fire protection, property or cash may substitute for a surety bond provided the value is at least ten thousand dollars and the property or cash is not otherwise encumbered.

NEW SECTION. Sec. 8. (1) Nothing in this chapter limits the power of a municipality, county, or the state to regulate the quality and character of work performed by contractors, through a system of permits, fees, and inspections which are designed to assure compliance with and aid in the implementation of state and local building laws or to enforce other local laws for the protection of the public health and safety. Nothing in this chapter limits the power of the municipality, county, or the state to adopt any system of permits requiring submission to and approval by the municipality, county, or the state, of technical drawings and specifications for work to be performed by contractors before commencement of the work. The official authorized to issue building or other related permits shall ascertain that the fire protection sprinkler system contractor is duly licensed by requiring evidence of a valid fire protection sprinkler system contractor's license.

(2) This chapter applies to any fire protection sprinkler system contractor performing work for any municipality, county, or the state. Officials of any municipality, county, or the state are required to determine compliance with this chapter before awarding any contracts for the installation, repair, service, alteration, fabrication, addition, or inspection of a fire protection sprinkler system.

NEW SECTION. Sec. 9. (1) There is established the fire protection sprinkler system technical advisory committee to be made up of nine residents of the state of Washington, appointed by the director of the department of community development. The fire protection system technical advisory committee shall include three members, nominated by the Washington fire sprinkler association, who have been actively engaged in the management of a fire protection sprinkler system business for not less than five years preceding their appointment, one registered fire protection engineer, one member of the Washington surveying and rating bureau, one member representing a city fire department, one member representing a county fire marshal or his or her representative, one member representing a residential fire protection sprinkler company, and one member nominated by the Washington state association of fire chiefs.

(2) The advisory committee, in addition to other duties delegated by the state director of fire protection shall:

(a) Advise and assist the state director of fire protection, after consultation with the fire protection board, in developing the rules necessary to implement and administer this chapter; and

(b) Make recommendations to the state director of fire protection, through the fire protection board, regarding forms and procedures for issuing certificates and licenses.

NEW SECTION. Sec. 10. (1) The state director of fire protection may refuse to issue or renew or may suspend or revoke the privilege of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder to engage in the fire protection sprinkler system business or in lieu thereof, establish penalties as prescribed by Washington state law, for any of the following reasons:

(a) Gross incompetency or gross negligence in the preparation of technical drawings, installation, repair, alteration, maintenance, inspection, service, or addition to fire protection sprinkler systems;

(b) Conviction of a felony;

(c) Fraudulent or dishonest practices while engaging in the fire protection sprinkler systems business;

(d) Use of false evidence or misrepresentation in an application for a license or certificate of competency;

(e) Permitting his or her license to be used in connection with the preparation of any technical drawings which have not been prepared by him or her personally or under his or her immediate supervision, or in violation of this chapter; or

(f) Knowingly violating any provisions of this chapter or the regulations issued thereunder.

(2) The state director of fire protection shall revoke the license of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder who engages in the fire protection sprinkler system business while the license or certificate of competency is suspended.

(3) Any licensee or certificate of competency holder who is aggrieved by an order of the state director of fire protection suspending or revoking a license may, within thirty days after notice of such suspension or revocation, appeal under chapter 34.05 RCW.

NEW SECTION. Sec. 11. Sections 2 through 10 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 12. Sections 2 through 10 of this act apply prospectively only and not retroactively. A municipal or county order, ordinance, rule, or regulation that is in effect as of

May 1, 1991, is not invalid because of the provisions of this chapter. This act does not prohibit municipalities or counties from adopting stricter guidelines that will assure the proper installation of fire sprinkler systems within their jurisdictions.

NEW SECTION, Sec. 13. Sections 2 through 10 of this act shall take effect May 1, 1991.

NEW SECTION, Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "protection" strike "sprinkler" and after "systems;" strike the remainder of the title and insert "amending RCW 9.40.100; adding a new chapter to Title 18 RCW; creating a new section; providing an effective date; and prescribing penalties."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Vekich moved that the House do concur in the Senate amendments to Substitute House Bill No. 2342.

Representatives Vekich and Smith spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2342 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2342 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

Substitute House Bill No. 2342 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

February 28, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2375 with the following amendment:

On page 1, line 23, after "schools" strike all material through "populations" on line 27, and insert "to plan and implement outcome based education programs"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 2375.

Representatives Peery and Betrozoff spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2375 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2375 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brække, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

Engrossed Substitute House Bill No. 2375 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2426 with the following amendment:

On page 5, line 19, after "code is" insert "013," and after "018," insert "019," and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Vekich moved that the House refuse to concur in the Senate amendment to Substitute House Bill No. 2426 and ask the Senate for a conference thereon.

Representatives Vekich and Smith spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Vekich, Prentice and Smith as conferees on Substitute House Bill No. 2426.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2503 with the following amendments:

On page 2, after line 3, 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."

On page 1, line 2 of the title, following "51.44.100" insert "; and declaring an emergency" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Vekich moved that the House do concur in the Senate amendments to House Bill No. 2503.

Mr. Vekich spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 2503 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2503 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

House Bill No. 2503 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 27, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2546 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 13, chapter 101, Laws of 1989 and RCW 80.04.130 are each amended to read as follows:

(1) Whenever any public service company shall file with the commission any schedule, classification, rule or regulation, the effect of which is to change any rate, charge, rental or toll theretofore charged, the commission shall have power, either upon its own motion or upon complaint, upon notice, to enter upon a hearing concerning such proposed change and the reasonableness and justness thereof, and pending such hearing and the decision thereon the commission may suspend the operation of such rate, charge, rental or toll for a period not exceeding ten months from the time the same would otherwise go into effect, and after a full hearing the commission may make such order in reference thereto as would be provided in a hearing initiated after the same had become effective. The commission shall not suspend a tariff that makes a decrease in a rate, charge, rental, or toll filed by a telecommunications company pending investigation of the fairness, justness, and reasonableness of the decrease when the filing does not contain any offsetting increase to another rate, charge, rental, or toll and the filing company agrees to not file for an increase to any rate, charge, rental, or toll to recover the revenue deficit that results from the decrease for a period of one year. The filing company shall file with any decrease sufficient information as the commission by rule may require to demonstrate the decreased rate, charge, rental, or toll is above the long run incremental cost of the service. A tariff decrease that results in a rate that is below long run incremental cost, or is contrary to commission rule or order, or the requirements of this chapter, shall be rejected for filing and returned to the company. The commission may prescribe a different rate to be effective on the prospective date stated in its final order after its investigation, if it concludes based on the record that the originally filed and effective rate is unjust, unfair, or unreasonable.

The commission may suspend the initial tariff filing of any water company removed from and later subject to commission jurisdiction because of the number of customers or the average annual gross revenue per customer provisions of RCW 80.04.010. The commission may allow temporary rates during the suspension period. These rates shall not exceed the rates charged when the company was last regulated. Upon a showing of good cause by the company, the commission may establish a different level of temporary rates.

(2) At any hearing involving any change in any schedule, classification, rule or regulation the effect of which is to increase any rate, charge, rental or toll theretofore charged, the burden of proof to show that such increase is just and reasonable shall be upon the public service company.

(3) The implementation of mandatory local measured telecommunications service is a major policy change in available telecommunications service. The commission shall not accept for filing or approve, prior to June 1, 1993, a tariff filed by a telecommunications company which imposes mandatory local measured service on any customer or class of customers, except that, upon finding that it is in the public interest, the commission may accept for filing and approve a tariff that imposes mandatory measured service for a telecommunications company's extended area service or foreign exchange service. This subsection does not apply to land, air, or marine mobile service, or to pay telephone service, or to any service which has been traditionally offered on a measured service basis.

(4) The implementation of ((the)) Washington telephone assistance program service is a major policy change in available telecommunications service. The implementation of ((the)) Washington telephone assistance program service will aid in achieving the stated goal of universal telephone service.

Sec. 2. Section 4, chapter 229, Laws of 1987 and RCW 80.36.420 are each amended to read as follows:

~~((Lifetime assistance))~~ The Washington telephone assistance program shall be available to participants of department programs set forth in RCW 80.36.470. ~~((Lifetime))~~ Assistance shall consist of the following components:

(1) A discount on service connection fees of fifty percent or more as set forth in RCW 80.36.460.

(2) A waiver of deposit requirements on local exchange service, as set forth in RCW 80.36.460.

(3) A discounted flat rate ~~((lifetime))~~ service ~~((rate))~~ for local exchange service, which shall be subject to the following conditions:

(a) The commission shall establish a single ~~((lifetime service))~~ telephone assistance rate for all local exchange companies operating in the state of Washington. The ~~((lifetime service))~~ telephone assistance 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 ~~((lifetime service))~~ telephone assistance 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 ~~((lifetime service))~~ telephone assistance 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 ~~((lifetime service))~~ telephone assistance rate. Low-income senior citizens sixty years of age and older and other low-income persons identified by the department as medically needy shall, where single-party service is available, be provided with single-party service as the lowest available local exchange flat rate service.

(d) The cost of providing the ~~((lifetime))~~ 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 ~~((lifetime))~~ telephone assistance fund created by RCW 80.36.430.

Sec. 3. Section 5, chapter 229, Laws of 1987 and RCW 80.36.430 are each amended to read as follows:

~~((Costs associated with lifetime telephone service))~~ The Washington telephone assistance program shall be ~~((recovered through))~~ funded by a ~~((lifetime surcharge))~~ telephone assistance excise tax on all ~~((other))~~ switched access lines and by funds from any federal government or other programs for this purpose. Switched access lines are defined in RCW 82.14B.020. The ~~((lifetime surcharge))~~ telephone assistance excise tax shall be applied equally to all residential and business access lines not to exceed ~~((sixteen))~~ fourteen cents per month. ~~((The surcharge collected by the telecommunications companies shall not be construed as gross income or gross receipts for purposes of state, county or municipal public utility taxes.))~~ The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the 'Washington telephone assistance program.' All money collected from the ~~((lifetime surcharge))~~ telephone assistance excise tax shall be transferred to a ~~((lifetime))~~ telephone assistance fund administered by the department. Local exchange companies shall bill the fund for their expenses incurred in offering ~~((lifetime telecommunications services))~~ the telephone assistance program, including administrative and program expenses. The department shall disburse the money to the local exchange companies. The department is exempted from having to conclude a contract with local exchange companies in order to effect this reimbursement. The department shall recover its administrative costs from the fund. The department may specify by rule the range and extent of administrative and program expenses that will be reimbursed to local exchange companies.

Sec. 4. Section 6, chapter 229, Laws of 1987 and RCW 80.36.440 are each amended to read as follows:

The commission and the department may adopt any rules necessary to implement RCW 80.36.410 through ~~((80.36.400))~~ 80.36.470.

Sec. 5. Section 8, chapter 229, Laws of 1987 and RCW 80.36.460 are each amended to read as follows:

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. Part or all of the remaining fifty percent of service connection fees may be paid by funds from federal government or other programs for this purpose. The commission or other appropriate agency shall make timely application for any available federal funds. 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 ~~((lifetime))~~ telephone assistance fund. Eligible subscribers shall be allowed one waiver of a deposit and one discount on service connection fees per year.

Sec. 6. Section 9, chapter 229, Laws of 1987 and RCW 80.36.470 are each amended to read as follows:

~~(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);) Adult recipients of department-administered programs for the financially needy which provide continuing financial or medical assistance, food stamps, or supportive services to persons in their own homes are eligible for participation in the telephone assistance program. The department shall notify the participants of their eligibility.~~

NEW SECTION. Sec. 7. A new section is added to chapter 80.36 RCW to read as follows:

The department shall report to the energy and utilities committees of the house of representatives and the senate by December 1 of each year on the status of the Washington telephone assistance program. The report shall include the number of participants by qualifying social service programs receiving benefits from the telephone assistance program and the type of benefits participants receive. The report shall also include a description of the geographical distribution of participants, the program's annual revenue and expenditures, and any recommendations for legislative action.

Sec. 8. Section 12, chapter 229, Laws of 1987 (uncodified) is amended to read as follows:

RCW 80.36.410 through ~~((80.36.486))~~ 80.36.470 shall expire June 30, ~~((1996))~~ 1993, unless extended by the legislature.

NEW SECTION. Sec. 9. Section 10, chapter 229, Laws of 1987 and RCW 80.36.480 are each repealed.

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 80.04.130, 80.36.420, 80.36.430, 80.36.440, 80.36.460, and 80.36.470; amending section 12, chapter 229, Laws of 1987 (uncodified); adding a new section to chapter 80.36 RCW; repealing RCW 80.36.480; and providing an expiration date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Nelson moved that the House do concur in the Senate amendments to House Bill No. 2546.

Representatives Nelson and Hankins spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 2546 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2546 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, Mary, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

House Bill No. 2546 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2576 with the following amendment:

On page 6, line 18, after "chapter," insert "This subsection does not apply to annual steel-head catch record cards for persons under the age of fifteen."

(5) Persons under the age of fifteen may purchase an annual steelhead catch record card for five dollars. The five-dollar catch record card entitles the holder to retain no more than five steelhead. After retaining five steelhead, a new catch record card may be purchased.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. R. King moved that the House do concur in the Senate amendment to Substitute House Bill No. 2576.

Mr. R. King spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 2576 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2576 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betzoff, Bowman, Braddock, Brække, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

Substitute House Bill No. 2576 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 27, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2643 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 418, Laws of 1987 and RCW 41.26.030 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) 'Retirement system' means the 'Washington law enforcement officers' and fire fighters' retirement system' provided herein.

(2) (a) 'Employer' for persons who establish membership in the retirement system on or before September 30, 1977, means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) 'Employer' for persons who establish membership in the retirement system on or after October 1, 1977, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) 'Law enforcement officer' means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff

or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term 'law enforcement officer' also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply; and

(e) The term 'law enforcement officer' also includes any person employed on or after November 1, 1975, and prior to December 1, 1975, as a director of public safety so long as the duties of the director substantially involve only police and/or fire duties and no other duties.

(4) 'Fire fighter' means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) supervisory fire fighter personnel;

(d) any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(f) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter;

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) the term 'fire fighter' also includes any person employed on or after November ((†)) 1, 1975, and prior to December 1, 1975, as a director of public safety so long as the duties of the director substantially involve only police and/or fire duties and no other duties.

(5) 'Retirement board' means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of this 1972 amendatory act are hereby ratified.

(6) 'Surviving spouse' for persons who establish membership in the retirement system on or before September 30, 1977, means the surviving widow or widower of a member (~~the word shall not include the divorced spouse of a member~~) or an ex-spouse who has been provided benefits under any court decree of dissolution or legal separation or in any court order or court approved property settlement agreement incident to any court decree of dissolution or legal separation. In order to qualify as a surviving spouse under this subsection: (a) A person shall have been married to the member for at least one year prior to the member's retirement or separation from service if a vested member; (b) the decree or court order must be currently effective; and (c) the decree or court order must have been entered after the member's retirement and prior to December 31, 1979. If two or more persons are eligible as surviving spouses under this subsection, benefits shall be divided between the surviving spouses based on the percentage of total service credit the member accrued during each marriage. This definition shall apply retroactively.

(7) 'Child' or 'children' whenever used in this chapter means every natural born child and stepchild where that relationship was in existence prior to the date benefits are payable under this chapter, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven

months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) 'Member' means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) 'Retirement fund' means the 'Washington law enforcement officers' and fire fighters' retirement system fund' as provided for herein.

(10) 'Employee' means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) (a) 'Beneficiary' for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) 'Beneficiary' for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12) (a) 'Final average salary' for persons who establish membership in the retirement system on or before September 30, 1977, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) 'Final average salary' for persons who establish membership in the retirement system on or after October 1, 1977, means the monthly average of the member's basic salary for the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13) (a) 'Basic salary' for persons who establish membership in the retirement system on or before September 30, 1977, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) 'Basic salary' for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That in any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) the basic salary the member would have received had such member not served in the legislature; or

(ii) such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under subparagraph (i) of this subsection is greater than basic salary under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(14) (a) 'Service' for persons who establish membership in the retirement system on or before September 30, 1977, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after the member's initial commencement of employment as a fire fighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, 'service' shall include (i) such military service not exceeding five years as was

creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (ii) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: PROVIDED, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law enforcement officer or fire fighter: PROVIDED FURTHER, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: AND PROVIDED FURTHER, That where a member is employed by two employers at the same time, he shall only be credited with service to one such employer for any month during which he rendered such dual service.

(b) 'Service' for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(15) 'Accumulated contributions' means the employee's contributions made by a member plus accrued interest credited thereon.

(16) 'Actuarial reserve' means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(17) 'Actuarial valuation' means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) 'Disability board' means either the county disability board or the city disability board established in RCW 41.26.110 for persons who establish membership in the retirement system on or before September 30, 1977.

(19) 'Disability leave' means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(20) 'Disability retirement' for persons who establish membership in the retirement system on or before September 30, 1977, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) 'Position' means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) 'Medical services' for persons who establish membership in the retirement system on or before September 30, 1977, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered 'other medical expenses', provided that they have not been considered as 'hospital expenses'.

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(23) 'Regular interest' means such rate as the director may determine.

(24) 'Retiree' for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) 'Department' means the department of retirement systems created in chapter 41.50 RCW.

(26) 'Director' means the director of the department.

(27) 'State actuary' or 'actuary' means the person appointed pursuant to RCW 44.44.010(2).

(28) 'State elective position' means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

NEW SECTION. Sec. 2. The legislature finds that:

(1) It would be advantageous for some retirees to have survivorship options available other than the options currently listed in statute. Allowing the department of retirement systems to adopt several different survivor options will assist retirees in their financial planning; and

(2) Disabled members of the retirement systems listed in RCW 41.50.030, except for members of the law enforcement officers' and fire fighters' retirement system plan I, must forfeit any right to leave a benefit to their survivors if they wish to go on disability retirement. This results in some disabled workers holding onto their jobs in order to provide for their dependents. The provisions of this act allow members to go on disability retirement while still providing for their survivors.

Sec. 3. Section 9, chapter 109, Laws of 1988 and RCW 2.10.146 are each amended to read as follows:

(1) Upon making application for a service retirement allowance under RCW 2.10.100 or a disability allowance under RCW 2.10.120, a judge who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

((+)) (a) Standard Allowance. A member selecting this option shall receive a retirement allowance, which shall be computed as provided in RCW 2.10.110. The retirement allowance shall be payable throughout the judge's life. However, if the judge dies before the total of the retirement allowance paid to the judge equals the amount of the judge's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the judge's life, as the judge has nominated by written designation duly executed and filed with the department of retirement systems or, if there is no such designated person or persons still living at the time of the judge's death, then to the surviving spouse or, if there is neither such designated person or persons still living at the time of death nor a surviving spouse, then to the judge's legal representative.

((2)) Option II. A judge who selects this option shall receive a reduced retirement allowance which upon death shall be continued throughout the life of and paid to such person, having an insurable interest in the judge's life, as the judge has nominated by written designation duly executed and filed with the department of retirement systems at the time of retirement.

((3)) Option III. A judge who selects this option shall receive a reduced retirement allowance and upon death, one-half of the judge's reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in the judge's life, as the judge has nominated by written designation duly executed and filed with the department of retirement systems at the time of retirement.))

(b) The department shall adopt rules that allow a judge to select a retirement option that pays the judge a reduced retirement allowance and upon death, such portion of the judge's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the judge's life. Such person shall be nominated by the judge by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2) A judge, if married, must provide the written consent of his or her spouse to the option selected under this section. If a judge is married and both the judge and the judge's spouse do not give written consent to an option under this section, the department will pay the judge a joint and fifty percent survivor benefit and record the judge's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 4. Section 7, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.460 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.26.430 or disability retirement under RCW 41.26.470, a member shall elect to have the retirement allowance paid pursuant to ~~((Option 1, 2, or 3 with))~~ the following options ~~((2 and 3))~~, calculated so as to be actuarially equivalent to ~~((Option 1))~~ each other.

~~((1) OPTION 1)) (a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.~~

~~((2) OPTION 2. A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.~~

~~((3) OPTION 3. A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.))~~

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 5. Section 3, chapter 189, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 116, Laws of 1988 and RCW 41.32.498 are each amended to read as follows:

Any person who becomes a member subsequent to April 25, 1973 or who has made the election, provided by RCW 41.32.497, to receive the benefit provided by this section, shall receive a retirement allowance consisting of:

(1) An annuity which shall be the actuarial equivalent of his additional contributions on full salary as provided by chapter 274, Laws of 1955 and his or her lump sum payment in excess of the required contribution rate made at date of retirement, pursuant to RCW 41.32.350, if any; and

(2) A combined pension and annuity service retirement allowance which shall be equal to two percent of his or her average earnable compensation for his or her two highest compensated consecutive years of service times the total years of creditable service established with the retirement system, to a maximum of sixty percent of such average earnable compensation; PROVIDED, That any member may irrevocably elect, at time of retirement, to withdraw all or a part of his accumulated contributions and to receive, in lieu of the full retirement allowance

provided by this subsection, a reduction in the standard two percent allowance, of the actuarially determined amount of monthly annuity which would have been purchased by said contributions: PROVIDED FURTHER, That no member may withdraw an amount of accumulated contributions which would lower his or her retirement allowance below the minimum allowance provided by RCW 41.32.497 as now or hereafter amended: AND PROVIDED FURTHER, That said reduced amount may be reduced even further pursuant to the options provided in ~~((sub-section (4) below))~~ RCW 41.32.530:

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the retirement allowance payable for service of a member who was state superintendent of public instruction on January 1, 1973 shall be equal to three percent of the average earnable compensation of his two highest consecutive years of service for each year of such service.

~~((4) Upon an application for retirement approved by the board of trustees every member shall receive the maximum retirement allowance available to him throughout life unless prior to the time the first installment thereof becomes due he has elected to receive the reduced amount provided in subsection (2) and/or has elected by executing the proper application therefor, to receive the actuarial equivalent of his retirement allowance in reduced payments throughout his life, with the options listed below:~~

~~(a) Option 1: If he dies before he has received the present value of his accumulated contributions at the time of his retirement by virtue of the annuity portion of his retirement allowance, the unpaid balance shall be paid to his estate or to such person as he shall have nominated by written designation executed and filed with the board of trustees.~~

~~(b) Option 2: Upon his death his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly executed and filed with the board of trustees at the time of his retirement.~~

~~(c) Option 3: Upon his death one-half of his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation executed and filed with the board of trustees at the time of his retirement.~~

~~(d) Option 4: In addition to the other options provided under this subsection, the member may also elect to receive the maximum retirement allowance or a retirement allowance based on options 1, 2, or 3 which also includes the benefit provided under RCW 41.32.770. This retirement allowance option shall also be calculated so as to be actuarially equivalent to the maximum retirement allowance and to options 1, 2, and 3 as provided in this subsection.))~~

Sec. 6. Section 53, chapter 80, Laws of 1947 as amended by section 26, chapter 274, Laws of 1955 and RCW 41.32.530 are each amended to read as follows:

(1) Upon an application for retirement for service under RCW 41.32.480 or retirement for disability under RCW 41.32.550, approved by the ~~((board of trustees))~~ department, every member shall receive the maximum retirement allowance available to him or her throughout life unless prior to the time the first installment thereof becomes due he or she has elected, by executing the proper application therefor, to receive the actuarial equivalent of his or her retirement allowance in reduced payments throughout his or her life with the following options:

~~((Option 1))~~ (a) Standard allowance. If he or she dies before he or she has received the present value of his or her accumulated contributions at the time of his or her retirement in annuity payments, the unpaid balance shall be paid to his or her estate or to such person as he or she shall have nominated by written designation executed and filed with the ~~((board of trustees))~~

Option 2. Upon his death his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly executed and filed with the board of trustees at the time of his retirement.

Option 3. Upon his death one-half of his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation executed and filed with the board of trustees at the time of his retirement.

Option 4) department.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(c) Such other benefits shall be paid to a member receiving a retirement allowance under RCW 41.32.497 as the member may designate for himself, herself, or others equal to the actuarial value of his or her retirement annuity at the time of his retirement: PROVIDED, That the board of trustees shall limit withdrawals of accumulated contributions to such sums as will not reduce the member's retirement allowance below one hundred and twenty dollars per month.

(d) A member whose retirement allowance is calculated under RCW 41.32.498 may also elect to receive a retirement allowance based on options available under this subsection that includes the benefit provided under RCW 41.32.770. This retirement allowance option shall also

be calculated so as to be actuarially equivalent to the maximum retirement allowance and to the options available under this subsection.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 7. Section 8, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.785 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.32.765 or retirement for disability under RCW 41.32.790, a member shall elect to have the retirement allowance paid pursuant to ((Option 1, 2, or 3 with Options 2 and 3)) the following options, calculated so as to be actuarially equivalent to ((Option 1)) each other.

((1) OPTION 1. (a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

((2) OPTION 2. A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

(3) OPTION 3. A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.)

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 8. Section 5, chapter 151, Laws of 1972 ex. sess. as last amended by section 2, chapter 143, Laws of 1987 and RCW 41.40.185 are each amended to read as follows:

Upon retirement from service, as provided for in RCW 41.40.180 or 41.40.210, a member shall be eligible for a service retirement allowance computed on the basis of the law in effect at the time of retirement, together with such post-retirement pension increases as may from time to time be expressly authorized by the legislature. The service retirement allowance payable to members retiring on and after February 25, 1972 shall consist of:

(1) An annuity which shall be the actuarial equivalent of his or her additional contributions made pursuant to RCW 41.40.330(2).

(2) A membership service pension, subject to the provisions of subsection (4) of this section, which shall be equal to two percent of his or her average final compensation for each year or fraction of a year of membership service.

(3) A prior service pension which shall be equal to one-seventieth of his or her average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event, except as provided in this 1972 amendatory act, shall any member receive a retirement allowance pursuant to subsections (2) and (3) of this section of more than sixty percent of his or her average final compensation: PROVIDED, That no member shall receive a pension under this section of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service

credit, or less than one thousand five hundred and sixty dollars per annum if such member has twenty or more years of service credit.

(4) Notwithstanding the provisions of subsections (1) through (3) of this section, the retirement allowance payable for service where a member was elected or appointed pursuant to Articles II or III of the Constitution of the state of Washington or RCW 48.02.010 and the implementing statutes shall be a combined pension and annuity. Said retirement allowance shall be equal to three percent of the average final compensation for each year of such service. Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum: PROVIDED, That the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected to the office of state senator or state representative.

~~((5) Upon making application for a service retirement allowance under RCW 41.40.100, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:~~

~~(a) Standard Allowance. A member selecting this option shall receive a retirement allowance, which shall be computed as provided in subsections (1), (2) and (3) of this section. The retirement allowance shall be payable throughout his life. However, if he dies before the total of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative.~~

~~(b) Option II. A member who selects this option shall receive a reduced retirement allowance which upon his death shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.~~

~~(c) Option III. A member who selects this option shall receive a reduced retirement allowance and upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.~~

~~(d) In addition to the other options provided under this subsection, the member may also elect to receive a standard allowance, an option II allowance, or an option III allowance, which includes the benefit provided under RCW 41.40.640. This retirement allowance option shall also be calculated so as to be actuarially equivalent to the options offered in (a), (b), and (c) of this subsection:)~~

Sec. 9, Section 20, chapter 274, Laws of 1947 as last amended by section 3, chapter 143, Laws of 1987 and RCW 41.40.190 are each amended to read as follows:

In lieu of the retirement allowance provided in RCW 41.40.185, an individual employed on or before April 25, 1973 may, after complying with RCW 41.40.180 or 41.40.210, make an irrevocable election to receive the retirement allowance provided by this section which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of his or her retirement; and

(2) A basic service pension of one hundred dollars per annum; and

(3) A membership service pension, subject to the provisions of subdivision (4) of this section, which shall be equal to one one-hundredth of his or her average final compensation for each year or fraction of a year of membership service credited to his or her service account; and

(4) A prior service pension which shall be equal to one-seventieth of his or her average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his or her service accounts. In no event shall any original member upon retirement at age seventy with ten or more years of service credit receive less than nine hundred dollars per annum as a retirement allowance, nor shall any member upon retirement at any age receive a retirement allowance of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand five hundred and sixty dollars per annum if such member has twenty or more years of service credit. In the event that the retirement allowance as to such member provided by subdivisions (1), (2), (3), and (4) hereof shall amount to less than the aforesaid minimum

retirement allowance, the basic service pension of the member shall be increased from one hundred dollars to a sum sufficient to make a retirement allowance of the applicable minimum amount.

(5) Notwithstanding the provisions of subsections (1) through (4) of this section, the retirement allowance payable for service where a member was elected or appointed pursuant to Articles II or III of the Constitution of the state of Washington or RCW 48.02.010 and the implementing statutes shall be a combined pension and annuity. Said retirement allowance shall be equal to three percent of the average final compensation for each year of such service. Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum: PROVIDED, That the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected under the provisions of Article II of the Washington state Constitution.

(6) ~~((Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:~~

~~(a) Option IA. A member electing this option shall receive a retirement allowance payable throughout his life only with termination at death, which shall be computed as provided for in subsections (1) through (4) or (5) of this section:~~

~~(b) Option I. If he dies before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative; or~~

~~(c) Option II. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement;)) Unless payment shall be made under RCW 41.40.270, ~~((option II))~~ a joint and one hundred percent survivor benefit under section 10 of this 1990 act shall automatically be given effect as if selected for the benefit of the surviving spouse upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified for a service retirement allowance or has completed ten years of service at the time of death, except that if the member is not then qualified for a service retirement allowance, such option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance((:-or~~

~~(d) Option III. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.~~

~~(e) In addition to the other options provided under this subsection, the member may also elect to receive a retirement allowance based on options IA, I, II, or III, which includes the benefit provided under RCW 41.40.640. This retirement allowance option shall also be calculated so as to be actuarially equivalent to the options offered in (a), (b), (c), and (d) of this subsection)).~~

NEW SECTION. Sec. 10. A new section is added to chapter 41.40 RCW to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.180 or retirement for disability under RCW 41.40.210 or 41.40.230, a member shall elect to have the retirement allowance paid pursuant to one of the following options calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(c) A member may elect to include the benefit provided under RCW 41.40.640 along with the retirement options available under this section. This retirement allowance option shall be calculated so as to be actuarially equivalent to the options offered under this subsection.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 11. Section 7, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.660 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.630 or retirement for disability under RCW 41.40.670, a member shall elect to have the retirement allowance paid pursuant to ~~((Option 1, 2, or 3 with Options 2 and 3))~~ one of the following options, calculated so as to be actuarially equivalent to ~~((Option 1))~~ each other.

~~((1) OPTION 1))~~ (a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

~~((2) OPTION 2.~~ A member who elects this option shall receive a reduced retirement allowance, which upon the member's death shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.

~~((3) OPTION 3.~~ A member who elects this option shall receive a reduced retirement allowance, and upon the member's death one-half of the retiree's reduced retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in the retiree's life as the retiree shall have nominated by written designation duly executed and filed with the department at the time of the retiree's retirement.))

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2) A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section.

Sec. 12. Section 28, chapter 274, Laws of 1947 as last amended by section 11, chapter 249, Laws of 1979 ex. sess. and RCW 41.40.270 are each amended to read as follows:

(1) Should a member die before the date of retirement the amount of the accumulated contributions standing to the member's credit in the employees' savings fund, at the time of death(;;):

(a) Shall be paid to such person or persons, having an insurable interest in the member's life, as the member shall have nominated by written designation duly executed and filed with the department(;;); or

(b) If there be no such designated person or persons still living at the time of the member's death, or if a member fails to file a new beneficiary designation subsequent to marriage, remarriage, dissolution of marriage, divorce, or reestablishment of membership following termination by withdrawal or retirement, ~~((the member's credited))~~ such accumulated contributions ~~((in the employees' savings fund))~~ shall be paid to the surviving spouse as if in fact such

spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to the member's legal representatives(;;).

(2) Upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified but has not applied for a service retirement allowance or has completed ten years of service at the time of death, the designated beneficiary, or the surviving spouse as provided in subsection (1) of this section, may elect to waive the payment provided by subsection (1) of this section. Upon such an election, ((option II of) a joint and one hundred percent survivor option under section 10 of this 1990 act, calculated under the retirement allowance described in RCW 41.40.185 or ((option II of RCW) 41.40.190, whichever is greater, shall automatically be given effect as if selected for the benefit of the surviving spouse or dependent who is the designated beneficiary(---except that)). If the member is not then qualified for a service retirement allowance, such ((option II)) benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance(---PROVIDED: That)).

(3) Subsection (1) of this section, unless elected, shall not apply to any member who has applied for service retirement in RCW 41.40.180, as now or hereafter amended, and thereafter dies between the date of separation from service and the member's effective retirement date, where the member has selected ((either options II or III in RCW 41.40.185 or 41.40.190)) a survivorship option under section 10 of this 1990 act. In those cases the beneficiary named in the member's final application for service retirement may elect to receive either a cash refund or monthly payments according to the option selected by the member.

Sec. 13. Section 16, chapter 14, Laws of 1963 ex. sess. as last amended by section 3, chapter 199, Laws of 1974 ex. sess. and RCW 41.32.497 are each amended to read as follows:

Any person who became a member on or before April 25, 1973 and who qualifies for a retirement allowance shall, at time of retirement, make an irrevocable election to receive either the retirement allowance by RCW 41.32.498 as now or hereafter amended or to receive a retirement allowance pursuant to this section consisting of: (1) An annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement, (2) A basic service pension of one hundred dollars per annum, and (3) A service pension which shall be equal to one one-hundredth of his average earnable compensation for his two highest compensated consecutive years of service times the total years of creditable service established with the retirement system: PROVIDED, That no beneficiary now receiving benefits or who receives benefits in the future, except those beneficiaries receiving reduced benefits pursuant to RCW 41.32.520(1)(~~options 2 and 3 provided in RCW~~) or 41.32.530, ((or options 2 or 3 of RCW 41.32.498 as now or hereafter amended.)) shall receive a pension of less than six dollars and fifty cents per month for each year of creditable service established with the retirement system. Pension benefits payable under the provisions of this section shall be prorated on a monthly basis and paid at the end of each month.

Sec. 14. Section 8, chapter 109, Laws of 1988 and RCW 2.10.144 are each amended to read as follows:

(1) If a judge dies before the date of retirement, the amount of the accumulated contributions standing to the judge's credit at the time of death shall be paid to such person or persons, having an insurable interest in the judge's life, as the judge has nominated by written designation duly executed and filed with the department of retirement systems. If there is no such designated person or persons still living at the time of the judge's death, or if the judge fails to file a new beneficiary designation subsequent to marriage, remarriage, dissolution of marriage, divorce, or reestablishment of membership following termination by withdrawal or retirement, the judge's credited accumulated contributions shall be paid to the surviving spouse as if in fact the spouse had been nominated by written designation or, if there is no such surviving spouse, then to the judge's legal representatives.

(2) Upon the death in service of any judge who is qualified but has not applied for a service retirement allowance or has completed ten years of service at the time of death, the designated beneficiary, or the surviving spouse as provided in subsection (1) of this section, may elect to waive the payment provided by subsection (1) of this section. Upon such an election, ((option II of) a joint and one hundred percent survivor option under RCW 2.10.146 shall automatically be given effect as if selected for the benefit of the surviving spouse or dependent who is the designated beneficiary, except that if the judge is not then qualified for a service retirement allowance, the option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased judge would have first qualified for a service retirement allowance. However, subsection (1) of this section, unless elected, shall not apply to any judge who has applied for a service retirement and thereafter dies between the date of separation from service and the judge's effective retirement date, where the judge has selected ((either option II or III of) a survivorship option under RCW 2.10.146(1)(b)). In those cases, the beneficiary named in the judge's final application for service retirement may elect to receive either a cash refund or monthly payments according to the option selected by the judge.

Sec. 15. Section 12, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.510 are each amended to read as follows:

(1) If a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.26.430(1) actuarially adjusted to reflect ~~((Option 2 of))~~ a joint and one hundred percent survivor option under RCW 41.26.460 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.26.430(2); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions.

Sec. 16. Section 52, chapter 80, Laws of 1947 as last amended by section 5, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.520 are each amended to read as follows:

(1) Upon receipt of proper proofs of death of any member before retirement or before the first installment of his or her retirement allowance shall become due his or her accumulated contributions and/or other benefits payable upon his or her death shall be paid to his or her estate or to such persons as he or she shall have nominated by written designation duly executed and filed with the board of trustees. If a member fails to file a new beneficiary designation subsequent to marriage, divorce, or reestablishment of membership following termination by withdrawal, lapsation, or retirement, payment of his or her accumulated contributions and/or other benefits upon death before retirement shall be made to the surviving spouse, if any; otherwise, to his or her estate. If a member had established ten or more years of Washington membership service credit or was eligible for retirement, the beneficiary or the surviving spouse if otherwise eligible may elect, in lieu of a cash refund of the member's accumulated contributions, the following survivor benefit plan:

((†)) (a) A widow or widower, without a child or children under eighteen years of age, may elect a monthly payment of fifty dollars to become effective at age fifty, provided the member had fifteen or more years of Washington membership service credit.

((‡)) (b) The beneficiary, if a surviving spouse or a dependent (as that term is used in computing the dependent exemption for federal internal revenue purposes) may elect to receive a joint and one hundred percent retirement allowance under ~~((Option 2 of))~~ RCW 41.32.530.

(i) In the case of a dependent child the allowance shall continue until attainment of majority or so long as the board judges that the circumstances which created his or her dependent status continue to exist. In any case, if at the time dependent status ceases, an amount equal to the amount of accumulated contributions of the deceased member has not been paid to the beneficiary, the remainder shall then be paid in a lump sum to the beneficiary ~~((PROVIDED: That))~~.

(ii) If at the time of death, the member was not then qualified for a service retirement allowance, ~~((such Option 2))~~ the benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance.

(2) If no qualified beneficiary survives a member, at his or her death his or her accumulated contributions shall be paid to his or her estate, or his or her dependents may qualify for survivor benefits under benefit plan ~~((‡))~~ (1)(b) in lieu of a cash refund of the members accumulated contributions in the following order: Widow or widower, guardian of a dependent child or children under age eighteen, or dependent parent or parents.

(3) Under survivors' benefit plan (1)(a) the board of trustees shall transfer to the survivors' benefit fund the accumulated contributions of the deceased member together with an amount from the pension fund determined by actuarial tables to be sufficient to fully fund the liability. Benefits shall be paid from the survivors' benefit fund monthly and terminated at the marriage of the beneficiary.

Sec. 17. Section 12, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.805 are each amended to read as follows:

(1) If a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.32.765(1) actuarially adjusted to reflect ~~((Option 2 of))~~ a joint and one hundred percent survivor option under RCW 41.32.785 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.32.765(2); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death: or

(b) The member's accumulated contributions.

Sec. 18. Section 16, chapter 274, Laws of 1947 as last amended by section 1, chapter 88, Laws of 1987 and by section 1, chapter 384, Laws of 1987 and RCW 41.40.150 are each reenacted and amended to read as follows:

Should any member die, or should the individual separate or be separated from service without leave of absence before attaining age sixty years, or should the individual become a beneficiary, except a beneficiary of an optional retirement allowance as provided by ~~((RCW 41.40.185 or 41.40.190))~~ section 10 of this 1990 act, the individual shall thereupon cease to be a member except:

(1) As provided in RCW 41.40.170.

(2) An employee not previously retired who reenters service shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions with interest as computed by the director, which restoration must be completed within a total period of five years of membership service following the member's first resumption of employment, be returned to the status, either as an original member or new member which the member held at time of separation.

(3) ~~((Any member, except a state elected official, who reentered service and who failed to restore withdrawn contributions, shall now have from April 4, 1986, through June 30, 1987, to restore the contributions, with interest as determined by the director. Local elected officials may restore withdrawn contributions only for the period during which they served as non-elected officials. Local elected officials who have retired in the period from April 4, 1986, through June 30, 1987, may nevertheless restore these contributions through June 30, 1987.~~

(4)) Within the ninety days following the employee's resumption of employment, the employer shall notify the department of the resumption and the department shall then return to the employer a statement of the potential service credit to be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished. The employee shall be given a copy of the statement and shall sign a copy of the statement which signed copy shall be placed in the employee's personnel file.

((5)) (4) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of absence from service for the exclusive purpose of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

((6)) (5) (a) The recipient of a retirement allowance who is employed in an eligible position other than under RCW 41.40.120(12) shall be considered to have terminated his or her retirement status and shall immediately become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be

suspended during the period of eligible employment and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered two uninterrupted years of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated;

(b) The recipient of a retirement allowance elected to office or appointed to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120(3) shall be considered to have terminated his or her retirement status and shall become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended from the date of return to membership until the date when the member again retires and the member shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated, but no additional service credit shall be allowed: AND PROVIDED FURTHER, That if such a recipient of a retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120(3), the member shall be considered to remain in a retirement status and the individual's retirement benefits shall continue without interruption.

((7)) (6) Any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the Washington public employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue membership therein until attaining age sixty, shall remain a member for the exclusive purpose of receiving a retirement allowance without the limitation found in RCW 41.40.180(1) to begin on attainment of age sixty-five; however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

Sec. 19. Section 11, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.700 are each amended to read as follows:

(1) If a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death shall be paid to such person or persons having an insurable interest in such member's life as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.40.630(1) actuarially adjusted to reflect ((Option 2 of)) a joint and one hundred percent survivor option under RCW 41.40.660 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.40.630(2); if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; or

(b) The member's accumulated contributions.

Sec. 20. Section 8, chapter 294, Laws of 1977 ex. sess. as last amended by section 1, chapter 88, Laws of 1989 and by section 1, chapter 191, Laws of 1989 and RCW 41.26.470 are each reenacted and amended to read as follows:

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the director shall be eligible to receive an allowance under the provisions of RCW 41.26.410 through 41.26.550. Such member shall receive a monthly disability allowance computed as provided for in RCW 41.26.420 and shall have

such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age fifty-eight.

(2) Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is no longer entitled to benefits under Title 51 RCW, the retirement allowance shall be canceled and the member shall be restored to duty in the same civil service rank, if any, held by the member at the time of retirement or, if unable to perform the duties of the rank, then, at the member's request, in such other like or lesser rank as may be or become open and available, the duties of which the member is then able to perform. In no event shall a member previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the member at the date of the retirement for disability. If the department determines that the member is able to return to service, the member is entitled to notice and a hearing. Both the notice and the hearing shall comply with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(3) Those members subject to this chapter who became disabled in the line of duty on or after July 23, 1989, and who receive benefits under RCW 41.04.500 through 41.04.530 or similar benefits under RCW 41.04.535 shall receive or continue to receive service credit subject to the following:

- (a) No member may receive more than one month's service credit in a calendar month.
- (b) No service credit under this section may be allowed after a member separates or is separated without leave of absence.
- (c) Employer contributions shall be paid by the employer at the rate in effect for the period of the service credited.
- (d) Employee contributions shall be collected by the employer and paid to the department at the rate in effect for the period of service credited.
- (e) State contributions shall be as provided in RCW 41.26.450.
- (f) Contributions shall be based on the regular compensation which the member would have received had the disability not occurred.
- (g) The service and compensation credit under this section shall be granted for a period not to exceed six consecutive months.
- (h) Should the legislature revoke the service credit authorized under this section or repeal this section, no affected employee is entitled to receive the credit as a matter of contractual right.

(4)(a) If the recipient of a monthly retirement allowance under this section dies before the total of the retirement allowance paid to the recipient equals the amount of the accumulated contributions at the date of retirement, then the balance shall be paid to such person or persons having an insurable interest in his or her life as the recipient has nominated by written designation duly executed and filed with the director, or, if there is no such designated person or persons still living at the time of the recipient's death, then to the surviving spouse, or, if there is neither such designated person or persons still living at the time of his or her death nor a surviving spouse, then to his or her legal representative.

(b) If a recipient of a monthly retirement allowance under this section died before April 27, 1989, and before the total of the retirement allowance paid to the recipient equaled the amount of his or her accumulated contributions at the date of retirement, then the department shall pay the balance of the accumulated contributions to the member's surviving spouse or, if there is no surviving spouse, then in equal shares to the member's children. If there is no surviving spouse or children, the department shall retain the contributions.

Sec. 21, Section 9, chapter 293, Laws of 1977 ex. sess. as amended by section 2, chapter 191, Laws of 1989 and RCW 41.32.790 are each amended to read as follows:

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department upon recommendation of the retirement board shall be eligible to receive an allowance under the provisions of RCW 41.32.755 through 41.32.825. Such member shall receive a monthly disability allowance computed as provided for in RCW 41.32.760 and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age sixty-five.

Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, such member shall cease to be eligible for such allowance.

(2)(a) If the recipient of a monthly retirement allowance under this section dies before the total of the retirement allowance paid to the recipient equals the amount of the accumulated contributions at the date of retirement, then the balance shall be paid to such person or persons having an insurable interest in his or her life as the recipient has nominated by written designation duly executed and filed with the director, or, if there is no such designated person or

persons still living at the time of the recipient's death, then to the surviving spouse, or, if there is neither such designated person or persons still living at the time of his or her death nor a surviving spouse, then to his or her legal representative.

(b) If a recipient of a monthly retirement allowance under this section died before April 27, 1989, and before the total of the retirement allowance paid to the recipient equaled the amount of his or her accumulated contributions at the date of retirement, then the department shall pay the balance of the accumulated contributions to the member's surviving spouse or, if there is no surviving spouse, then in equal shares to the member's children. If there is no surviving spouse or children, the department shall retain the contributions.

Sec. 22, Section 8, chapter 295, Laws of 1977 ex. sess. as last amended by section 3, chapter 191, Laws of 1989 and RCW 41.40.670 are each amended to read as follows:

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the department upon recommendation of the retirement board shall be eligible to receive an allowance under the provisions of RCW 41.40.610 through 41.40.740. Such member shall receive a monthly disability allowance computed as provided for in RCW 41.40.620 and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age sixty-five.

Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is offered reemployment by an employer at a comparable compensation, such member shall cease to be eligible for such allowance.

(2) The retirement for disability of a judge, who is a member of the retirement system, by the supreme court under Article IV, section 31 of the Constitution of the state of Washington (House Joint Resolution No. 37, approved by the voters November 4, 1980), with the concurrence of the retirement board, shall be considered a retirement under subsection (1) of this section.

(3)(a) If the recipient of a monthly retirement allowance under this section dies before the total of the retirement allowance paid to the recipient equals the amount of the accumulated contributions at the date of retirement, then the balance shall be paid to such person or persons having an insurable interest in his or her life as the recipient has nominated by written designation duly executed and filed with the director, or, if there is no such designated person or persons still living at the time of the recipient's death, then to the surviving spouse, or, if there is neither such designated person or persons still living at the time of his or her death nor a surviving spouse, then to his or her legal representative.

(b) If a recipient of a monthly retirement allowance under this section died before April 27, 1989, and before the total of the retirement allowance paid to the recipient equaled the amount of his or her accumulated contributions at the date of retirement, then the department shall pay the balance of the accumulated contributions to the member's surviving spouse or, if there is no surviving spouse, then in equal shares to the member's children. If there is no surviving spouse or children, the department shall retain the contributions.

NEW SECTION, Sec. 23. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 22, Laws of 1961 ex. sess., section 2, chapter 151, Laws of 1967 and RCW 41.32.493;

(2) Section 1, chapter 35, Laws of 1970 ex. sess., section 2, chapter 147, Laws of 1972 ex. sess. and RCW 41.32.4932; and

(3) Section 9, chapter 168, Laws of 1973 1st ex. sess. and RCW 41.40.508.

NEW SECTION, Sec. 24. The repeal of RCW 41.32.493, 41.32.4932, and 41.40.508 by section 23 of this act shall not be construed as affecting any existing right acquired under those sections or under any rule or order adopted under those sections, nor as affecting any proceedings instituted under those sections.

NEW SECTION, Sec. 25. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 41.26.030, 2.10.146, 41.26.460, 41.32.498, 41.32.530, 41.32.785, 41.40.185, 41.40.190, 41.40.660, 41.40.270, 41.32.497, 2.10.144, 41.26.510, 41.32.520, 41.32.805, 41.40.700, 41.32.790, and 41.40.670; reenacting and amending RCW 41.40.150 and 41.26.470; adding a new section to chapter 41.40 RCW; creating new sections; and repealing RCW 41.32.493, 41.32.4932, and 41.40.508."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Grant moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 2643 and ask the Senate to recede therefrom. The motion was carried.

The Speaker called on Representative R. King to preside.

SENATE AMENDMENTS TO HOUSE BILL

February 28, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2761 with the following amendments:

On page 1, line 20, after "RCW 28A.58.310" insert "and to provide for the compensation of officers for each day during which the officer attends an official meeting of the association or performs prescribed duties approved by the board of directors of the association"

On page 1, line 22, strike "and association officers"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendments to House Bill No. 2761.

Mr. Peery spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of House Bill No. 2761 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2761 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Insole, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

House Bill No. 2761 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 28, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2831 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature recognizes the benefit to our state and nation of providing equal educational opportunities for all races and nationalities. The legislature finds that American Indian students are underrepresented in Washington's colleges and universities. The legislature also finds that past discriminatory practices have resulted in this underrepresentation. Creating an endowed scholarship program to help American Indian students obtain a higher education will help to rectify past discrimination by providing a means and an incentive for American Indian students to pursue a higher education. The state will benefit from contributions made by American Indians who participate in a program of higher education.

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

(1) '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.

(2) 'Board' means the higher education coordinating board.

(3) 'Eligible student' or 'student' means an American Indian student as defined by the board in consultation with the advisory committee described in section 4 of this act, who is a financially needy student, as defined in RCW 28B.10.802, who is a resident student, as defined by RCW 28B.15.012(2), who is a full-time student at an institution of higher education, and who promises to use his or her education to benefit other American Indians.

NEW SECTION. Sec. 3. The American Indian endowed scholarship program is created. The program shall be administered by the higher education coordinating board. In administering the program, the board's powers and duties shall include but not be limited to:

(1) Selecting students to receive scholarships, with the assistance of a screening committee composed of persons involved in helping American Indian students to obtain a higher education. The membership of the committee may include, but is not limited to representatives of: Indian tribes, urban Indians, the governor's office of Indian affairs, the Washington state Indian education association, and institutions of higher education;

(2) Adopting necessary rules and guidelines;

(3) Publicizing the program;

(4) Accepting and depositing donations into the endowment fund created in section 7 of this act;

(5) Requesting and accepting from the state treasurer moneys earned from the trust fund and the endowment fund created in sections 6 and 7 of this act;

(6) Soliciting and accepting grants and donations from public and private sources for the program; and

(7) Naming scholarships in honor of those American Indians from Washington who have acted as role models.

NEW SECTION. Sec. 4. The higher education coordinating board shall establish an advisory committee to assist in program design and to develop criteria for the screening and selection of scholarship recipients. The committee shall be composed of representatives of the same groups as the screening committee described in section 3 of this act. These criteria shall include a priority for upper-division or graduate students. The criteria may include a priority for students who are majoring in program areas in which expertise is needed by the state's American Indians.

NEW SECTION. Sec. 5. The board may award scholarships to eligible students from moneys earned from the endowment fund created in section 7 of this act, or from funds appropriated to the board for this purpose, or from any private donations, or from any other funds given to the board for this program. For an undergraduate student, the amount of the scholarship shall not exceed the student's demonstrated financial need. For a graduate student, the amount of the scholarship shall not exceed the student's demonstrated need; or the stipend of a teaching assistant, including tuition, at the University of Washington; whichever is higher. In calculating a student's need, the board shall consider the student's costs for tuition, fees, books, supplies, transportation, room, board, personal expenses, and child care. The student's scholarship awarded under this chapter shall not exceed the amount received by a student attending a state research university. A student is eligible to receive a scholarship for a maximum of five years. However, the length of the scholarship shall be determined at the discretion of the board.

NEW SECTION. Sec. 6. The American Indian endowed scholarship trust fund is established. The trust fund shall be administered by the state treasurer. Funds appropriated by the legislature for the trust fund shall be deposited into the fund. All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the trust fund shall be credited to the fund. At the request of the higher education coordinating board, and when conditions set forth in section 8 of this act are met, the treasurer shall deposit state matching moneys in the trust fund into the American Indian endowment fund. No appropriation is required for expenditures from the trust fund.

NEW SECTION. Sec. 7. The American Indian scholarship endowment fund is established. The endowment fund shall be administered by the state treasurer. Moneys received from the higher education coordinating board, private donations, state matching moneys, and funds received from any other source may be deposited into the endowment fund. All moneys deposited in the endowment fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the endowment fund shall be credited to the endowment fund. At the request of the higher education coordinating board, the treasurer shall release earnings from the endowment fund to the board for scholarships. No appropriation is required for expenditures from the endowment fund.

The principal of the endowment fund shall not be invaded. The earnings on the fund shall be used solely for the purposes set forth in section 5 of this act.

NEW SECTION. Sec. 8. The higher education coordinating board may request that the treasurer deposit five hundred thousand dollars of state matching funds into the American Indian scholarship endowment fund when the board can match the state funds with an equal amount of private cash donations. Private donations means moneys from nonstate sources that include, but are not limited to, federal moneys, tribal moneys, and assessments by commodity commissions authorized to conduct research activities, including but not limited to research studies authorized under RCW 15.66.030 and 15.65.040.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 2 of the title, after "scholarships;" strike the remainder of the title and insert "adding a new chapter to Title 28B RCW; and creating a new section."
and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jacobsen moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2831.

Mr. Jacobsen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2831 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2831 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

Engrossed Substitute House Bill No. 2831 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2901 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.010 are each amended to read as follows:

The purpose of this chapter is the creation of funds arising from assessments upon all insurers authorized to transact life or disability insurance business in the state of Washington, to be used to assure to the extent prescribed herein the performance of the insurance contractual obligations of insurers becoming insolvent to residents of this state (~~and, in the case of domestic insurers, to residents of other jurisdictions as well;~~), and to promote thereby the stability of domestic insurers. In the judgment of the legislature, the foregoing purpose not being capable of accomplishment by a corporation created under general laws, the creation of the nonprofit association hereinafter in this chapter described is deemed essential for the protection of the general welfare.

Sec. 2. Section 2, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.020 are each amended to read as follows:

This chapter shall apply as follows to life insurance policies, disability insurance policies, and annuity contracts of liquidating insurers, other than separate account variable policies and contracts authorized by chapter 48.18A RCW:

(1) (~~To all such policies and contracts of a domestic insurer, without regard to the place of residence or domicile of the policy or contract owner, insured, annuitant, beneficiary, or payee.~~)

(2)) To all such policies and contracts of a domestic, foreign, or alien insurer authorized to transact such insurance or annuity business in this state at the time such policies or contracts were issued or at the time of entry of the order of liquidation of the insolvent insurer, and of which the policy or contract owner, insured, annuitant, beneficiary, or payee is a resident of

and domiciled within this state. (~~With respect to group policies or group contracts of such foreign or alien insurers.~~) This chapter shall apply only as to the insurance or annuities thereunder of individuals who are residents of and domiciled within this state. The place of residence or domicile shall be determined as of the date of entry of the order of liquidation against the insurer.

~~((3))~~ (2) To policies and contracts only of insolvent insurers with respect to which an order of liquidation is entered after May 21, 1971.

~~((4))~~ (3) The obligations of the association created under this chapter shall apply only as to contractual obligations of the insurer under insurance policies and annuity contracts, and shall be no greater than such obligations of the insolvent insurer at the time of entry of the order of liquidation (~~except that the association shall have no liability with respect to any portions of such policies or contracts to the extent that the death benefit coverage on any one life exceeds an aggregate of three hundred thousand dollars.~~

~~(5) This chapter shall not apply to fraternal benefit societies, health care service contractors, or to insurance or liability assumed by the liquidating insurer under a contract of reinsurance other than of bulk reinsurance).~~ However, the liability of the association shall in no event exceed:

(a) With respect to any one life, regardless of the number of policies or contracts:

(i) Five hundred thousand dollars in life insurance death benefits, including any net cash surrender and net cash withdrawal values for life insurance;

(ii) Five hundred thousand dollars in disability insurance benefits, including any net cash surrender and net cash withdrawal values; or

(iii) Five hundred thousand dollars in the present value of allocated annuity benefits and annuities established under section 403(b) of the United States internal revenue code.

The association shall not be liable to expend more than five hundred thousand dollars in the aggregate with respect to any one individual under this subsection; or

(b) With respect to any one contract owner covered by any unallocated annuity contract, including governmental retirement plans established under section 401 or 457 of the United States internal revenue code, five million dollars in benefits, irrespective of the number of such contracts held by that contract owner.

(4) This chapter shall not apply to:

(a) Fraternal benefit societies;

(b) Health care service contractors;

(c) Insurance or liability assumed by the liquidating insurer under a contract of reinsurance other than bulk reinsurance;

(d) Any unallocated annuity contract issued to an employee benefit plan protected under the federal pension benefit guaranty corporation; or

(e) Any portion of any unallocated annuity contract which is not issued to or in connection with a specific employee, union, association of natural persons benefit plan, or a government lottery.

Sec. 3. Section 3, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.030 are each amended to read as follows:

Within the meaning of this chapter:

(1) 'Association' means 'the Washington life and disability insurance guaranty association'.

(2) 'Board' means the board of directors of the Washington life and disability insurance guaranty association.

(3) 'Commissioner' means the insurance commissioner of this state.

(4) 'Policies' means life or disability insurance policies; 'contracts' means annuity contracts and contracts supplemental to such insurance policies and annuity contracts.

(5) 'Liquidating insurer' means an insurer with respect to which an order of liquidation has been entered by a court of competent jurisdiction.

(6) 'Fund' means a guaranty fund provided for in RCW 48.32A.080.

(7) 'Account' means any one of the three guaranty fund accounts created under RCW 48.32A.080(1).

(8) 'Assessment' means a charge made upon an insurer by the board under this chapter for payment into a guaranty fund. The charge shall constitute a legal liability of the insurer so assessed.

(9) 'Contributor' means an insurer which has paid an assessment.

(10) 'Certificate' means a certificate of contribution provided for in RCW 48.32A.090.

(11) 'Unallocated annuity contract' means any annuity contract or group annuity certificate which is not issued to and owned by an individual, except to the extent of any annuity benefits guaranteed to an individual by an insurer under such contract or certificate.

Sec. 4. Section 6, chapter 259, Laws of 1971 ex. sess. as amended by section 2, chapter 133, Laws of 1975 1st ex. sess. and RCW 48.32A.060 are each amended to read as follows:

(1) The association shall, subject to such terms and conditions as it may impose with the approval of the commissioner, assume, reinsure, or guarantee the performance of the policies and contracts, for a resident of the state, of any domestic life or disability insurer with respect to which an order of liquidation has been entered by any court of general jurisdiction in the state

of Washington, and shall have power to receive, own, and administer any assets acquired in connection with such assumption, reinsurance, or guaranty. The association, as to any such policy or contract under which there is no default in payment of premiums subsequent to such assumption, reinsurance, or guaranty, shall make or cause to be made prompt payment of the benefits due under the terms of the policy or contract.

(2) The association shall make or cause to be made payment of the death, endowment, or disability insurance or annuity benefits due under the terms of each policy or contract insuring the life or health of, or providing annuity or other benefits for, a resident of this state which was issued or assumed by a foreign or alien insurer with respect to which an order of liquidation has been entered by a court of competent jurisdiction in the state or country of its domicile.

(3) In determining benefits to be paid with respect to the policies and contracts of a particular liquidating insurer the board may give due consideration to amounts reasonably recoverable or deductible because of the contingent liability, if any, of policyholders of the insurer (if a mutual insurer) or recoverable because of the assessment liability, if any, of the insurer's stockholders (if a stock insurer).

(4) With respect to an insolvent domestic insurer, the board shall have power to petition the court in which the delinquency proceedings are pending for, and the court shall have authority to order and effectuate, such modifications in the terms, benefits, values, and premiums thereafter to be in effect of policies and contracts of the insurer as may reasonably be necessary to effect a bulk reinsurance of such policies and contract in a solvent insurer.

In the event, after the entry of an order of liquidation, an assessment on the members is necessary to increase the assets of the insolvent company to an extent that a bulk reinsurance of such policies may be effected, the court shall have authority to order such assessment.

(5) In addition to any other rights of the association acquired by assignment or otherwise, the association shall be subrogated to the rights of any person entitled to receive benefits under this chapter against the liquidating insurer, or the receiver, rehabilitator, liquidator, or conservator, as the case may be, under the policy or contract with respect to which a payment is made or guaranteed, or obligation assumed by the association pursuant to this section, and the association may require an assignment to it of such rights by any such persons as a condition precedent to the receipt by such person of payment of any benefits under this chapter.

(6) For the purpose of carrying out its obligations under this chapter, the association shall be deemed to be a creditor of the liquidating insurer to the extent of assets attributable to covered policies and contracts reduced by any amounts to which the association is entitled as a subrogee. All assets of the liquidating insurer attributable to covered policies and contracts shall be used to continue all covered policies and contracts and pay all contractual obligations of the liquidating insurer as required by this chapter. Assets attributable to covered policies and contracts, as used in this subsection, are those in that proportion of the assets which the reserves that should have been established for such policies and contracts bear to the reserves that should have been established for all insurances written by the liquidating insurer.

(7) The association shall have the power to petition the superior court for an order appointing the commissioner as receiver of a domestic insurer upon any of the grounds set forth in RCW 48.31.030.

Sec. 5. Section 8, chapter 259, Laws of 1971 ex. sess. as amended by section 5, chapter 119, Laws of 1975-'76 2nd ex. sess. and RCW 48.32A.080 are each amended to read as follows:

(1) For purposes of administration and assessment, the association shall establish and maintain ~~((four))~~ three guaranty fund accounts:

(a) ~~The life insurance and annuity account; (b) the disability insurance account; (c) the annuity account; and (d) the general account;~~ which shall be divided into three subaccounts:

(i) The life insurance subaccount;
(ii) The allocated annuity subaccount; and
(iii) The unallocated annuity subaccount which shall include contracts qualified under section 403(b) of the United States internal revenue code;

(b) The disability insurance account; and
(c) The general account.

(2) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board shall assess the member insurers, separately for each account, at such times and for such amounts as the board finds necessary. The board shall collect the assessment after thirty days written notice to the member insurers before payment is due. The board may charge reasonable interest for delinquent payment of the assessment.

(3) (a) The amount of any assessment for each account and subaccount shall be determined by the board, and shall be divided among the accounts and subaccounts in the proportion that the premiums received by the liquidating insurer on the policies or contracts covered by each account and subaccount bears to the premiums received by such insurer on all covered policies and contracts.

(b) Assessments against member insurers for each account and subaccount shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account or subaccount bears to such premiums received on business in this state by all assessed member insurers.

(c) Assessments for funds to meet the requirements of the association with respect to a particular liquidating insurer shall not be made until necessary, in the board's opinion, to implement the purposes of this chapter; and in no event shall such an assessment be made with respect to such insurer until an order of liquidation has been entered against the insurer by a court of competent jurisdiction of the insurer's state or country of domicile. Computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determination may not always be possible.

(d) The board may make an assessment of up to one hundred fifty dollars for each member insurer to be deposited in the general account and used for administrative and general expenses in carrying out the provisions of this chapter.

~~(4) ((The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the insurer to fulfill its contractual obligations. The total of all assessments upon a member insurer for each account shall not in any one calendar year exceed two percent of such insurer's premiums in this state on the policies or contracts covered by the account))~~ (a) The total of all assessments upon a member insurer for the life and annuity account and for each subaccount shall not in any one calendar year exceed two percent and for the disability account shall not in any one calendar year exceed two percent of such insurer's average premiums received in this state on the policies and contracts covered by the account during the three calendar years preceding the entry of the order of liquidation against the liquidating insurer.

(b) The board may provide a method of allocating funds among claims, whether relating to one or more impaired or insolvent insurers, when the maximum assessment will be insufficient to cover anticipated claims.

(c) If a one percent assessment for any subaccount of the life and annuity account in any one year does not provide an amount sufficient to carry out the responsibilities of the association, then pursuant to subsection (3) of this section, the board shall access all subaccounts of the life and annuity account for the necessary additional amount, subject to the maximum stated in (a) of this subsection.

(5) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated or deferred, in whole or in part, ((because of the limitations set forth in subsection (4) of this section:)) the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. If the maximum assessment, together with the other assets of the association in an account, does not provide in any one year an amount sufficient to carry out the responsibilities of the association with respect to such account, the necessary additional funds shall be assessed as soon thereafter as permitted by this chapter.

(6) The amount in a fund shall be kept at such a sum as in the opinion of the board will enable the association to meet the immediate obligations and liabilities of such fund. Whenever in the opinion of the board the amount in a fund is in excess of such immediate obligations and liabilities, with the approval of the commissioner the association may distribute such excess by retirement of certificates previously issued against the fund. Such distribution shall be made pro rata upon the basis of outstanding certificates, except that by unanimous consent of all directors and with the approval of the commissioner any other reasonable method of retirement of such certificates may be adopted.

(7) As used in this section, 'premiums' are those for the calendar year preceding the entry of the order of liquidation as to a particular liquidating insurer, and shall be direct gross insurance premiums and annuity considerations received on policies and contracts to which this chapter applies, less return premiums and considerations and less dividends paid or credited to policyholders.

(8) Upon dissolution of a fund by the repeal of this chapter or otherwise, the fund shall be distributed in the same manner as is provided for the repayment or retirement of certificates. If the amount in the fund at the time of dissolution is in excess of outstanding certificates issued against the fund, such excess shall be distributed among contributing member insurers in such equitable manner as is approved by the commissioner.

Sec. 6, Section 9, chapter 259, Laws of 1971 ex. sess. as last amended by section 2, chapter 183, Laws of 1977 ex. sess. and RCW 48.32A.090 are each amended to read as follows:

(1) The association shall issue to each insurer paying an assessment under this chapter certificates of contribution, in appropriate form and terms as prescribed or approved by the commissioner, for the amounts so paid into the respective funds. All outstanding certificates against a particular fund shall be of equal dignity and priority without reference to amounts or dates of issue.

(2) An outstanding certificate of contribution shall be shown by the insurer in its financial statements as an admitted asset for such amount and period of time as the commissioner may approve: PROVIDED, That unless a longer period has been allowed by the commissioner the

insurer shall in any event at its option have the right to so show a certificate of contribution as an admitted asset at percentages of original face amount for calendar years as follows:

100% for the calendar year of issuance;

~~((90%)) 80%~~ for the first calendar year after the year of issuance;

~~((80%)) 60%~~ for the second calendar year after the year of issuance;

~~((70%)) 40%~~ for the third calendar year after the year of issuance;

~~((60%)) 20%~~ for the fourth calendar year after the year of issuance;

~~((50% for the fifth calendar year after the year of issuance;~~

~~40% for the sixth calendar year after the year of issuance;~~

~~30% for the seventh calendar year after the year of issuance;~~

~~20% for the eighth calendar year after the year of issuance;~~

~~10% for the ninth calendar year after the year of issuance;))~~ and

0% for the ~~((tenth)) fifth~~ and subsequent calendar years after the year of issuance.

Notwithstanding the foregoing, if the value of a certificate of contribution is or becomes less than one thousand dollars, the entire amount may be written off by the insurer in that year.

(3) The insurer shall offset the amount written off by it in a calendar year under subsection (2) of this section against its premium tax liability to this state accrued with respect to business transacted in such year.

(4) Any sums recovered by the association representing sums which have theretofore been written off by contributing insurers and offset against premium taxes as provided in subsection (3) of this section, shall be paid by the association to the commissioner and by him deposited with the state treasurer for credit to the general fund of the state of Washington.

(5) No distribution to stockholders, if any, of a liquidating insurer shall be made unless and until the total amount of assessments levied by the association with respect to such insurer have been fully recovered by the association.

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 immediately."

On page 1, line 1 of the title, after "insurance," strike the remainder of the title and insert "amending RCW 48.32A.010, 48.32A.020, 48.32A.030, 48.32A.060, 48.32A.080, and 48.32A.090; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Dellwo moved that the House do concur in the Senate amendments to House Bill No. 2901.

Mr. Dellwo spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of House Bill No. 2901 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2901 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hanks, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zeilinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

House Bill No. 2901 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

February 27, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2940 with the following amendment:

On page 8, line 27, after "documentary" insert "service" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 2940.

Ms. R. Fisher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2940 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2940 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Insloe, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Vaile, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

Engrossed Substitute House Bill No. 2940 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2959 with the following amendments:

On page 1, line 29, after "district," strike all material down to and including "premiums" on page 2, line 7, and insert "The school district board of directors may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums"

On page 2, line 7, after "," insert "The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendments to House Bill No. 2959.

Mr. Peery spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of House Bill No. 2959 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2959 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

House Bill No. 2959 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 26, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 3007 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 35.24.090, chapter 7, Laws of 1965 as last amended by section 1, chapter 87, Laws of 1973 1st ex. sess. and RCW 35.24.090 are each amended to read as follows:

The mayor and the members of the city council may be reimbursed for actual expenses incurred in the discharge of their official duties, upon presentation of a claim therefor, after allowance and approval thereof, by resolution of the city council; and each city (~~(councilman))~~ councilmember may be paid for attending council meetings an amount which shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not be applicable to the term then being served by the incumbent.

The city attorney, clerk and treasurer, if elective, shall severally receive at stated times a compensation to be fixed by ordinance by the city council.

The mayor and other officers shall receive such compensation as may be fixed by the city council at the time the estimates are made as provided by law.

Any city that provides a pension for any of its employees under a plan not administered by the state must notify the state auditor of the existence of the plan at the time of an audit of the city by the auditor. No city may establish a pension plan for its employees that is not administered by the state, except that any defined contribution plan in existence as of January 1, 1990, is deemed to have been authorized. No city that provides a defined contribution plan for its employees as authorized by this section may make any material changes in the terms or conditions of the plan after the effective date of this 1990 act.

Sec. 2. Section 35.27.130, chapter 7, Laws of 1965 as last amended by section 2, chapter 87, Laws of 1973 1st ex. sess. and RCW 35.27.130 are each amended to read as follows:

The mayor and members of the town council may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a claim therefor and its allowance and approval by resolution of the town council. The mayor and members of the council may also receive such salary as the council may fix by ordinance.

The treasurer and treasurer-clerk shall severally receive at stated times a compensation to be fixed by ordinance.

The compensation of all other officers shall be fixed from time to time by the council.

Any town that provides a pension for any of its employees under a plan not administered by the state must notify the state auditor of the existence of the plan at the time of an audit of the town by the auditor. No town may establish a pension plan for its employees that is not administered by the state, except that any defined contribution plan in existence as of January 1, 1990, is deemed to have been authorized. No town that provides a defined contribution plan for its employees as authorized by this section may make any material changes in the terms or conditions of the plan after the effective date of this 1990 act.

On page 1, line 2 of the title, after "municipalities;" strike the remainder of the title and insert "and amending RCW 35.24.090 and 35.27.130."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jesernig moved that the House do concur in the Senate amendments to Substitute House Bill No. 3007.

Mr. Nealey spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of Substitute House Bill No. 3007 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3007 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

Substitute House Bill No. 3007 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 27, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2932 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1, Section 1, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.010 are each amended to read as follows:

(1) The legislature finds that:

(a) Proper utilization of the water resources of this state is necessary to the promotion of public health and the economic well-being of the state and the preservation of its natural resources and aesthetic values. ~~((The legislature further finds that the availability of waters of the state is being evaluated by interests who desire to remove portions thereof from the state in a manner inconsistent with the public interest of people of the state.))~~ Although water is a renewable resource, its supply and availability are becoming increasingly limited, particularly during summer and fall months and dry years when demand is greatest. Growth and prosperity have significantly increased the competition for this limited resource. Adequate water supplies are essential to meet the needs of the state's growing population and economy. At the same time instream resources and values must be preserved and protected so that future generations can continue to enjoy them.

(b) All citizens of Washington share an interest in the proper stewardship of our invaluable water resources. To ensure that available water supplies are managed to best meet both instream and offstream needs, a comprehensive planning process is essential. The people of the state have the unique opportunity to work together to plan and manage our water. Through a comprehensive planning process that includes the state, Indian tribes, local governments, and interested parties, it is possible to make better use of available water supplies through conservation, water use efficiency, improved management of peak and flood flows, cooperation and coordination among water suppliers, and better management of water resources. Comprehensive planning can also help to restore and enhance fishery resources and other instream values. Through comprehensive planning, conflicts among water users and interests can be reduced or resolved. It is in the best interests of the state that comprehensive water resource planning be given a high priority so that water resources and associated values can be utilized and enjoyed today and protected for tomorrow.

(c) Diverse hydrologic, climatic, cultural, and socioeconomic conditions exist throughout the regions of the state. Water resource issues vary significantly across regions. Comprehensive

water resource planning is best accomplished through a regional planning process sensitive to the unique characteristics and issues of each region.

(d) Comprehensive water resource planning must provide interested parties adequate opportunity to participate. Water resource issues are best addressed through cooperation and coordination among the state, Indian tribes, local governments, and interested parties.

(e) The long-term needs of the state require ongoing assessment of water availability, use, and demand. A thorough inventory of available resources is essential to water resource management. Current state water resource data and data management is inadequate to meet changing needs and respond to competing water demands. Therefore, a state water resource data program is needed to support an effective water resource management program. Efforts should be made to coordinate and consolidate into one resource data system all relevant information developed by the department of ecology and other agencies relating to the use, protection, and management of the state's water resources.

(2) It is the purpose of this chapter to set forth fundamentals of water resource policy for the state to insure that waters of the state are protected and fully utilized for the greatest benefit to the people of the state of Washington and, in relation thereto, to provide direction to the department of ecology ~~((and))~~, other state agencies and officials, and local government in carrying out water and related resources programs. It is the intent of the legislature to work closely with the executive branch, Indian tribes, local government, and interested parties to ensure that water resources of the state are wisely managed.

Sec. 2. Section 3, chapter 225, Laws of 1971 ex. sess. as amended by section 4, chapter 47, Laws of 1988 and RCW 90.54.030 are each amended to read as follows:

For the purpose of ~~((insuring))~~ ensuring that the department is fully advised in relation to the performance of the water resources program provided in RCW 90.54.040, and to provide information and support to ~~((the fact-finding service and))~~ the joint select committee established in RCW ~~((90.54.022 and))~~ 90.54.024, the department is directed to become informed with regard to all phases of water and related resources of the state. To accomplish this objective the department shall:

(1) Develop a comprehensive water resource data program that provides the information necessary for effective planning and management on a regional and state-wide basis. The data program shall include an information management plan describing the data requirements for effective water resource planning, and a system for collecting and providing access to water resource data on a regional and state-wide basis. The water resource data program shall also include a resource inventory and needs assessment pursuant to subsection (5) of this section;

(2) Collect, organize and catalog existing information and studies available to it from all sources, both public and private, pertaining to water and related resources of the state;

~~((#))~~ (3) Develop such additional data and studies pertaining to water and related resources as are necessary to accomplish the objectives of this chapter;

~~((3))~~ Determine existing and foreseeable uses of, and needs for, such waters and related resources;

(4) Develop alternate courses of action to solve existing and foreseeable problems of water and related resources and include therein, to the extent feasible, the economic and social consequences of each such course, and the impact on the natural environment;

(5) Establish a water resources data management task force to evaluate data management needs, advise the joint select committee on water resource policy, the legislature, and the department in developing an information management plan, and conduct a water resource inventory and needs assessment. The task force shall include representatives of appropriate state agencies, Indian tribes, local governments, and interested parties. The task force shall include expertise in both water resources and resource data management. The task force shall make recommendations to the department on developing a data base for water resource planning throughout the state. In conducting the water resource inventory and needs assessment, the task force shall oversee the inventory of existing data and determine what additional data is needed for effective water resource planning and management. The task force shall otherwise provide continuing guidance to the joint select committee on water resource policy, the legislature, and the department in developing and maintaining an effective information management plan. The department shall coordinate the water resource data program to provide water resource information that meets the needs of the comprehensive water resources program and planning process provided for in RCW 90.54.040;

(6) Prior to September 1, 1990, provide a report to the chairs of the appropriate legislative committees based on the preliminary findings and recommendations of the water resources data management task force. The report shall document the current information flows and data collection processes for state water resources data, and shall include an analysis of task force recommendations for developing additional information to meet water resource data needs. The report shall further include an estimate of funding requirements to implement the water resources data program for consideration in future biennial budget decisions;

(7) Prior to implementation of any preliminary findings and recommendations pursuant to subsection (6) of this section, and contingent on legislative appropriation, develop a five-year

plan for data collection and information management approved by the department of information services. Commencing July 1, 1991, the department shall provide annual reports to the chairs of the appropriate legislative committees on the development and implementation of the five-year plan and progress toward completion of the water resource inventory and needs assessment; and

(8) Establish pursuant to task force recommendations a process to resolve technical issues in the development and implementation of the water resource inventory and needs assessment.

All the foregoing shall be included in a 'water resources (~~(archive)~~) information system' established and maintained by the department. The department shall develop a system of cataloging, storing and retrieving the information and studies of the (~~(archive)~~) information system so that they may be made readily available to and effectively used not only by the department but by the public generally.

NEW SECTION, Sec. 3. A new section is added to chapter 90.54 RCW to read as follows:

(1) In the development and implementation of the comprehensive state water resources program required in RCW 90.54.040(1), the process described therein shall involve participation of appropriate state agencies, Indian tribes, local governments, and interested parties, and shall be applied on a regional basis pursuant to subsection (2) of this section.

(2) Prior to January 1, 1991, the department, with advice from appropriate state agencies, Indian tribes, local government, and interested parties, shall identify regions and establish regional boundaries for water resource planning and shall designate two regions in which the process shall be initiated on a pilot basis. One region shall encompass an area within the Puget Sound basin in which critical water resource issues exist. A concurrent pilot process may encompass a region east of the Cascade mountains.

(3) The department shall report to the chairs of the appropriate legislative committees prior to July 1st each year summarizing the progress of the pilot process in the two regions. The pilot process in each region shall be completed and shall produce a regional water plan by December 31, 1993.

(4) Appropriate state agencies, Indian tribes, local governments, and interested parties in regions not selected for the pilot program are strongly encouraged to commence water resource planning within their regions.

NEW SECTION, Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 1 of the title, after "planning;" strike the remainder of the title and insert "amending RCW 90.54.010 and 90.54.030; adding a new section to chapter 90.54 RCW; and creating a new section."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Belcher moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 2932 and ask the Senate to recede therefrom.

MOTION

Mr. Fuhrman moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2932.

Representatives Belcher and K. Wilson spoke against the motion, and Representatives Smith and Doty spoke in favor of it. Mr. Smith again spoke in favor of the motion.

The Speaker (Mr. R. King presiding) stated the question before the House to be the motion by Representative Fuhrman to concur in the Senate amendments to Engrossed Substitute House Bill No. 2932.

A division was called. The Speaker (Mr. R. King presiding) called upon the House to divide. The result of the division was: Yeas - 38; Nays - 56. The motion was not carried.

The Speaker (Mr. R. King presiding) stated that, by its action, the House refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 2932 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

February 27, 1990

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2888 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 10, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 375, Laws of 1989 and RCW 26.09.100 are each amended to read as follows:

In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court ~~((may))~~ shall order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined ~~((pursuant to the schedule adopted))~~ under chapter 26.19 RCW ~~((26.19.040. The court may require periodic adjustments of support)).~~

Sec. 2. Section 17, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 416, Laws of 1989 and RCW 26.09.170 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and, except as otherwise provided in subsection (4) or (5) of this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based; or

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school~~((or~~

~~((To add an automatic adjustment of support provision consistent with RCW 26.09.100)).~~

(5) An order or decree entered prior to June 7, 1984, may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require health insurance coverage for a child named therein; or

(b) Modify an existing order for health insurance coverage.

(6) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department of social and health services may file an action to modify an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is twenty-five percent or more below the appropriate child support amount set forth in the adopted child support schedule and reasons for the deviation are not set forth in the findings of fact or order. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order.

Sec. 3. Section 2, chapter 430, Laws of 1987 and RCW 26.09.175 are each amended to read as follows:

(1) A proceeding for the modification of an order of child support shall commence with the filing of a petition and ~~((a supporting financial affidavit))~~ worksheets. The petition and affidavit shall be in substantially the form prescribed by the administrator for the courts. There shall be a fee of twenty dollars for the filing of a petition for modification of dissolution.

(2) The petitioner shall serve upon the other party the summons, a copy of the petition and affidavit, and a blank copy of ~~((a financial affidavit))~~ the worksheets in the form prescribed by the administrator for the courts. If the modification proceeding is the first action filed in this state, service shall be made by personal service. If the decree to be modified was entered in this state, service shall be by personal service or by any form of mail requiring a return receipt. If the support obligation has been assigned to the state pursuant to RCW 74.20.330 and notice has been filed with the court, the summons, petition, and ~~((affidavit))~~ worksheets shall also be served on the ~~((office of support enforcement))~~ attorney general. Proof of service shall be filed with the court.

(3) The responding party's answer and completed (~~financial affidavit~~) worksheets shall be served and the answer filed within twenty days after service of the petition or sixty days if served out of state. The responding party's failure to file an answer within the time required shall result in entry of a default judgment for the petitioner.

(4) At any time after responsive pleadings are filed, either party may schedule the matter for hearing.

(5) Unless both parties stipulate to arbitration or the presiding judge authorizes oral testimony pursuant to subsection (6) of this section, a petition for modification of an order of child support shall be heard by the court on affidavits only.

(6) A party seeking authority to present oral testimony on the petition to modify a support order shall file an appropriate motion not later than ten days after the time of notice of hearing. Affidavits and exhibits setting forth the reasons oral testimony is necessary to a just adjudication of the issues shall accompany the petition. The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include, but are not limited to: (a) Substantial questions of credibility on a major issue; (b) insufficient or inconsistent discovery materials not correctable by further discovery; or (c) particularly complex circumstances requiring expert testimony.

(7) The administrator for the courts shall develop and prepare, in consultation with interested persons, model forms or notices for the use of the procedure provided by this section, including a notice advising of the right of a party to proceed with or without benefit of counsel.

Sec. 4. Section 2, chapter 275, Laws of 1988 and RCW 26.19.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) 'Child support schedule' means the standards and economic table (~~adopted by the commission~~) provided in this chapter;

(2) 'Standards' means the standards for determination of child support (~~which have been adopted by the commission, as modified by the legislature~~) provided in this chapter;

(3) 'Economic table' means the child support table for the basic support obligation (~~which has been adopted by the commission~~) provided in section 11 of this act;

(4) 'Worksheets' means the forms (~~adopted by the commission~~) developed by the administrator for the courts for use in determining the amount of child support;

(5) 'Instructions' means the instructions (~~adopted by the commission~~) developed by the administrator for the courts for use in completing the worksheets;

(6) (~~'Commission' means the Washington state child support schedule commission established by RCW 26.19.030; and~~

(7)) 'Standard calculation' means the amount of child support which is owed as determined from the worksheets before any deviation is considered; and

(7) 'Transfer payment' means the amount one parent is obligated to pay to the other parent after determination of the basic support obligation, the amounts owed for day care, health care, long distance transportation, and special child rearing expenses.

Sec. 5. Section 6, chapter 275, Laws of 1988 and RCW 26.19.050 are each amended to read as follows:

(1) The (~~commission~~) administrator for the courts shall develop and adopt worksheets and instructions to assist the parties and courts in establishing the appropriate child support level and apportionment of support. The (~~commission~~) administrator for the courts shall attempt to the greatest extent possible to make the worksheets and instructions understandable by persons who are not represented by legal counsel.

(2) The administrator for the courts (~~in consultation with the commission~~) shall develop and adopt standards for the printing of worksheets and shall establish a process for certifying printed worksheets. (~~The administrator shall not alter the design approved by the commission~~) The administrator may maintain a register of sources for approved worksheets.

NEW SECTION. Sec. 6. A new section is added to chapter 26.19 RCW to read as follows:

(1) In any proceeding under this title or Title 13 or 74 RCW in which child support is at issue, support shall be determined and ordered according to the standards and economic table provided in this chapter.

(2) An order for child support shall be supported by written findings of fact upon which the support determination is based and shall include reasons for deviation from the standard calculation.

(3) All income and resources of each parent's household shall be disclosed and shall be considered by the court or the presiding or reviewing officer when the child support obligation of each parent is determined. Tax returns for the preceding three years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(4) Worksheets in the form developed by the administrator for the courts shall be completed under penalty of perjury and filed in every proceeding in which child support is determined. Variations of the worksheets shall not be accepted.

(5) Unless specific reasons for deviation are set forth in the written findings of fact or order and are supported by the evidence, the court or the presiding or reviewing officer shall order each parent to pay the amount of child support determined using the standard calculation.

(6) The court or the presiding or reviewing officer shall review the worksheets and the order for adequacy of the reasons set forth for any deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. The worksheet on which the order is based shall be initiated or signed by the judge and filed with the order.

NEW SECTION. Sec. 7. A new section is added to chapter 26.19 RCW to read as follows:

(1) The basic child support obligation derived from the economic table shall be allocated between the parents based on each parent's share of the total family net income.

(2) Ordinary health care expenses are included in the economic table. Extraordinary expenses shall be shared by the parents in the same proportion as the basic child support obligation.

(3) Day care and special child rearing expenses such as tuition and long-distance transportation costs are not included in the economic table. These expenses shall be shared by the parents in the same proportion as the basic child support obligation and shall be listed as a specific dollar amount.

(4) The court may exercise its discretion to determine the reasonableness and necessity of extraordinary and special expenses.

NEW SECTION. Sec. 8. (1) Monthly gross income for child support purposes shall include income from any source, including: salaries, wages, commissions, deferred compensation, bonuses, mandatory overtime, dividends, interest, trust income, severance pay, annuities, capital gains, social security benefits, workers' compensation, unemployment benefits, disability insurance benefits, spousal maintenance that is actually received, gifts, and prizes.

(2) Aid to families with dependent children, supplemental security income, general assistance, veterans aid and attendance allowance, and food stamps shall be disclosed but shall not be included in gross income or be a reason to deviate from the standard calculation.

(3) Child support received from other relationships shall be disclosed and considered, but shall not be included in gross income. Income of a new spouse or income of other adults in the household shall not be considered in determining the standard calculation.

(4) Allowable deductions from gross income are: Federal and state income taxes, federal insurance contributions act deductions, mandatory pension plan payments, mandatory union or professional dues, and overtime pay above an average of forty hours per week on a monthly basis, income derived from a second job above forty total hours per week, nonrecurring bonuses, spousal maintenance which is actually paid, voluntary pension payments actually made by self-employed persons who do not have a mandatory pension plan up to two thousand dollars per year, and payments of child support involving other relationships. All items excluded from income shall be disclosed in the worksheet.

(5) Self-employed persons may deduct normal business expenses and self-employment taxes. Justification shall be required for any business expense deduction about which there is disagreement.

(6) The court will impute income to the parent when the parent is voluntarily underemployed or voluntarily unemployed. The court will determine whether the person is underemployed or voluntarily unemployed based upon that parent's work history. A parent will not be deemed underemployed as long as that parent is gainfully employed on a full-time basis. Income shall not be imputed for an unemployable parent.

(7)(a) The court or the presiding or reviewing officer shall consider deviating from the standard calculation when the parties have children from other relationships. The court shall consider all the circumstances of both households and may use the blended family formula approach as recommended by the commission in its report dated December 1989.

(b) The court or the presiding or reviewing officer shall consider deviating from the standard calculation if the child spends a significant amount of time with the parent who is obligated to pay child support. The court shall not use this subsection to restrict either parent's contact or visitation with the child or children.

(c) Deviation may also be made pursuant to subsection (8) of this section.

(8) Additional reasons that may support a deviation from the standard calculation include: Possession of wealth, resources excluded from income except those resources listed in subsection (2) of this section, shared living arrangements, extraordinary debts that have not been voluntarily incurred, extraordinarily high income of a child, a significant disparity of the living costs of the parents due to conditions beyond their control, and special needs of disabled children. A deviation may be supported by tax planning considerations only if the child would not receive a lesser economic benefit.

(9) Agreement of the parties is not by itself adequate reason for deviation.

(10) Neither parent's child support obligation shall exceed fifty percent of net earnings unless good cause is shown. Good cause could include possession of substantial wealth, children with day care expenses, special medical, educational, or psychological needs, and larger families.

NEW SECTION. Sec. 9. A new section is added to chapter 26.19 RCW to read as follows:

The child support schedule shall be advisory and not mandatory for children who have attained the age of eighteen, have completed their secondary education, and who seek postsecondary education. When considering whether to order child support for children over age eighteen who have completed their secondary education and who seek postsecondary education, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities, disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered is the amount and type of support that the child would have been afforded if the parents had stayed together. The child must be enrolled in school, actively pursuing a course of study, and in good academic standing as defined by the institution or the court-ordered postsecondary educational support may be automatically suspended during the period or periods the child fails to comply with these conditions. The court in its discretion may order that the payment be made directly to the parent who has been receiving the transfer payments, the educational institution if feasible, or directly to the child. The court shall not order the payment of postsecondary educational expenses beyond the age of twenty-three, except for exceptional circumstances, such as mental, physical, or emotional disabilities.

NEW SECTION. Sec. 10. A new section is added to chapter 26.19 RCW to read as follows:

The parties may agree which parent is entitled to claim the child or children as dependents for federal income tax exemptions. The court may award the exemption or exemptions and order a party to sign the federal income tax dependency exemption waiver. The court may divide the exemptions between the parties, alternate the exemptions between the parties, or both.

NEW SECTION. Sec. 11. A new section is added to chapter 26.19 RCW to read as follows:

The standard calculation shall be based upon the combined net income of the parties and determined according to the following economic table:

ECONOMIC TABLE
MONTHLY BASIC SUPPORT OBLIGATION PER CHILD
KEY: A = AGE 0-11 B = AGE 12-18

COMBINED
MONTHLY
NET
INCOME

ONE
CHILD
FAMILY

TWO
CHILDREN
FAMILY

A B A B

0				
100				
200				
300				
400				
500				
600	133	164	103	127
700	155	191	120	148
800	177	218	137	170
900	199	246	154	191
1000	220	272	171	211
1100	242	299	188	232
1200	264	326	205	253
1300	285	352	221	274
1400	307	379	238	294
1500	327	404	254	313
1600	347	428	269	333
1700	367	453	285	352
1800	387	478	300	371
1900	407	503	316	390
2000	427	527	331	409
2100	447	552	347	429
2200	467	577	362	448
2300	487	601	378	467
2400	506	626	393	486
2500	526	650	408	505

For income less than \$600 the obligation is based upon the resources and living expenses of each household. Minimum support shall not be less than \$25 per child per month.

2600	534	661	416	513
2700	542	670	421	520
2800	549	679	427	527
2900	556	686	431	533
3000	561	693	436	538
3100	566	699	439	543
3200	569	704	442	546
3300	573	708	445	549
3400	574	710	446	551
3500	575	711	447	552
3600	577	712	448	553
3700	578	713	449	554
3800	581	719	452	558
3900	596	736	463	572
4000	609	753	473	584
4100	623	770	484	599
4200	638	788	495	611
4300	651	805	506	625
4400	664	821	516	637
4500	677	836	525	649
4600	689	851	535	661
4700	701	856	545	673
4800	713	882	554	685
4900	726	897	564	697
5000	738	912	574	708

COMBINED
MONTHLY
NET
INCOME

THREE
CHILDREN
FAMILY

FOUR
CHILDREN
FAMILY

FIVE
CHILDREN
FAMILY

A

B

A

B

A

B

0						
100						
200						
300						
400						
500						
	For income less than \$600 the obligation is based upon the resources and living expenses of each household. Minimum support shall not be less than \$25 per child per month.					
600	86	106	73	90	63	79
700	100	124	85	105	74	91
800	115	142	97	120	84	104
900	129	159	109	135	95	118
1000	143	177	121	149	105	130
1100	157	194	133	164	116	143
1200	171	211	144	179	126	156
1300	185	228	156	193	136	168
1400	199	246	168	208	147	181
1500	212	262	179	221	156	193
1600	225	278	190	235	166	205
1700	238	294	201	248	175	217
1800	251	310	212	262	185	228
1900	264	326	223	275	194	240
2000	277	342	234	289	204	252
2100	289	358	245	303	213	264
2200	302	374	256	316	223	276
2300	315	390	267	330	233	288
2400	328	406	278	343	242	299
2500	341	421	288	356	251	311
2600	346	428	293	362	256	316
2700	351	435	298	368	259	321
2800	356	440	301	372	262	324
2900	360	445	305	376	266	328
3000	364	449	308	380	268	331
3100	367	453	310	383	270	334
3200	369	457	312	386	272	336
3300	371	459	314	388	273	339

3400	372	460	315	389	274	340
3500	373	461	316	390	275	341
3600	374	462	317	391	276	342
3700	375	463	318	392	277	343
3800	377	466	319	394	278	344
3900	386	477	326	404	284	352
4000	395	488	334	413	291	360
4100	404	500	341	422	298	368
4200	413	511	350	431	305	377
4300	422	522	357	441	311	385
4400	431	532	364	449	317	392
4500	438	542	371	458	323	400
4600	446	552	377	467	329	407
4700	455	562	384	475	335	414
4800	463	572	391	483	341	422
4900	470	581	398	491	347	429
5000	479	592	404	500	353	437

When combined monthly income exceeds five thousand dollars per month, child support shall be determined by that amount from the table. The judge, in his or her discretion, may order an additional amount to be paid in cases with unusual or extraordinary circumstances.

NEW SECTION. Sec. 12. A new section is added to chapter 26.19 RCW to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, all child support decrees may be adjusted once every twenty-four months pursuant to this chapter based upon changes in the income of the parents without a showing of substantially changed circumstances as provided in RCW 26.09.170. Either party may initiate the modification pursuant to procedures of RCW 26.09.175.

(2) Parents whose decrees are entered before the effective date of this act may petition the court for a modification after twelve months has expired from the entry of the decree or the most recent modification setting child support. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection (1) of this section.

(3) A party may petition for modification in cases of substantially changed circumstances, under RCW 26.09.170, at any time. However, if relief is granted under RCW 26.09.170, twenty-four months must pass before a petition for modification under subsection (1) of this section may be filed.

(4) If the court modifies a child support obligation by more than thirty percent, the court may stagger the change over a twelve-month period when the change would cause significant hardship.

(5) A parent who is receiving transfer payments who receives a wage or salary increase may not bring a modification action alleging that increase constitutes a substantial change of circumstances under RCW 26.09.170.

Sec. 13. Section 2407, Code of 1881 as amended by section 1, chapter 207, Laws of 1969 ex. sess. and RCW 26.16.205 are each amended to read as follows:

The expenses of the family and the education of the children, including stepchildren, are chargeable upon the property of both husband and wife, or either of them, and in relation thereto they may be sued jointly or separately: PROVIDED, That with regard to stepchildren, the obligation shall cease upon the ~~((termination of the relationship of husband and wife))~~ filing of either a petition for legal separation or a petition for dissolution or marriage.

Sec. 14. Section 4, chapter 260, Laws of 1984 and RCW 26.18.040 are each amended to read as follows:

(1) A proceeding to enforce a duty of support is commenced:

(a) By filing a petition for an original action; or

(b) By motion in an existing action or under an existing cause number.

(2) Venue for the action is in the superior court of the county where the dependent child resides or is present, where the obligor resides, or where the prior support order was entered. The petition or motion may be filed by the obligee, the state, or any stepparent or agency providing care or support to the dependent child. A filing fee shall not be assessed in cases brought on behalf of the state of Washington.

(3) The court retains continuing jurisdiction under this chapter until all duties of support of the obligor, including arrearages, with respect to the dependent child have been satisfied.

Sec. 15. Section 2, chapter 164, Laws of 1971 ex. sess. as last amended by section 1, chapter 55, Laws of 1989 and by section 151, chapter 175, Laws of 1989 and RCW 74.20A.020 are each reenacted and amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter and chapter 74.20 RCW shall have the following meanings:

(1) 'Department' means the state department of social and health services.

(2) 'Secretary' means the secretary of the department of social and health services, his designee or authorized representative.

(3) 'Dependent child' means any person:

(a) Under the age of eighteen who is not self-supporting, married, or a member of the armed forces of the United States; or

(b) Over the age of eighteen for whom a court order for support exists.

(4) 'Support obligation' means the obligation to provide for the necessary care, support, and maintenance, including medical expenses, of a dependent child or other person as required by statutes and the common law of this or another state.

(5) 'Superior court order' means any judgment, decree, or order of the superior court of the state of Washington, or a court of comparable jurisdiction of another state, establishing the existence of a support obligation and ordering payment of a set or determinable amount of support moneys to satisfy the support obligation. For purposes of RCW 74.20A.055, orders for support which were entered under the uniform reciprocal enforcement of support act by a state where the responsible parent no longer resides shall not preclude the department from establishing an amount to be paid as current and future support.

(6) 'Administrative order' means any determination, finding, decree, or order for support pursuant to RCW 74.20A.055, or by an agency of another state pursuant to a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support moneys to satisfy the support obligation.

(7) 'Responsible parent' means a natural parent, adoptive parent, or stepparent of a dependent child or a person who has signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics.

(8) 'Stepparent' means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist and continue as provided for in RCW 26.16.205 (~~until the relationship is terminated by death or dissolution of marriage~~).

(9) 'Support moneys' means any moneys or in-kind providings paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.

(10) 'Support debt' means any delinquent amount of support moneys which is due, owing, and unpaid under a superior court order or an administrative order, a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including medical expenses, of a dependent child or other person for whom a support obligation is owed; or a debt under RCW 74.20A.100 or 74.20A.270. Support debt also includes any accrued interest, fees, or penalties charged on a support debt, and attorneys fees and other costs of litigation awarded in an action to establish and enforce a support obligation or debt.

(11) 'State' means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the commonwealth of Puerto Rico.

Sec. 16. Section 24, chapter 460, Laws of 1987 as amended by section 18, chapter 375, Laws of 1989 and RCW 26.09.909 are each amended to read as follows:

(1) Decrees under this chapter involving child custody, visitation, or child support entered in actions commenced prior to January 1, 1988, shall be deemed to be parenting plans for purposes of this chapter.

(2) The enactment of the 1987 revisions to this chapter does not constitute substantially changed circumstances for the purposes of modifying decrees entered under this chapter in actions commenced prior to January 1, 1988, involving child custody, visitation, or child support. ~~((An))~~ Any action to modify any decree involving child custody, visitation, child support, or a parenting plan ~~((which was commenced after December 31, 1987))~~ shall be governed by the ~~((1987 revisions to))~~ provisions of this chapter.

(3) Actions brought for clarification or interpretation of decrees entered under this chapter in actions commenced prior to January 1, 1988, shall be determined under the law in effect immediately prior to January 1, 1988.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 275, Laws of 1988, section 76, chapter 175, Laws of 1989 and RCW 26.19.020;

(2) Section 1, chapter 440, Laws of 1987, section 4, chapter 275, Laws of 1988, section 41, chapter 360, Laws of 1989 and RCW 26.19.030;

(3) Section 2, chapter 440, Laws of 1987, section 5, chapter 275, Laws of 1988 and RCW 26.19.040; and

(4) Section 7, chapter 275, Laws of 1988 and RCW 26.19.060.

NEW SECTION. Sec. 18. This act shall take effect July 1, 1990.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "support;" strike the remainder of the title and insert "amending RCW 26.09.100, 26.09.170, 26.09.175, 26.19.010, 26.19.050, 26.16.205, 26.18.040, and 26.09.909; reenacting and amending RCW 74.20A.020; adding new sections to chapter 26.19

RCW; repealing RCW 26.19.020, 26.19.030, 26.19.040, and 26.19.060; and providing an effective date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House refuse to concur in the Senate amendments to Engrossed House Bill No. 2888 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. King presiding) appointed Representatives Appelwick, Spanel and Padden as conferees on Engrossed House Bill No. 2888.

The Speaker (Mr. R. King presiding) declared the House to be at ease.

The Speaker (Mr. R. King presiding) called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2644 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The current system for calculating service credit for school district employees is difficult and costly to administer. By changing from the current hours per month calculation to an hours per year calculation, the accumulation of service credit by school district employees will be easier to understand and to administer.

(2) The current system for granting service credit for substitute teachers is difficult and costly to administer. By notifying substitute teachers of their eligibility for service credit and allowing the substitute teacher to apply for service credit, the accumulation of service credit by substitute teachers will be easier to understand and to administer.

(3) Currently, temporary employees in eligible positions in the public employees' retirement system are exempted from membership in the system for up to six months. If the position lasts for longer than six months the employee is made a member retroactively. This conditional exemption causes tracking problems for the department of retirement systems and places a heavy financial burden for back contributions on a temporary employee who crosses the six-month barrier. Under the provisions of this act all persons, other than retirees, who are hired in an eligible position will become members immediately, thereby alleviating the problems described in this section.

(4) The legislature finds that retirees from the plan II systems of the law enforcement officers and fire fighters retirement system, the teachers retirement system, and the public employees retirement system, may not work for a nonfederal public employer without suffering a suspension of their retirement benefits. This fails to recognize the current and projected demographics indicating the decreasing work force and that the expertise possessed by retired workers can provide a substantial benefit to the state. At the same time, the legislature recognizes that a person who is working full time should have his or her pension delayed until he or she enters full or partial retirement. By allowing plan II retirees to work in ineligible positions, the competing concerns listed above are both properly addressed.

Sec. 2. Section 6, chapter 13, Laws of 1985 as amended by section 1, chapter 265, Laws of 1987 and RCW 41.32.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) (a) 'Accumulated contributions' for persons who establish membership in the retirement system on or before September 30, 1977, means the sum of all regular annuity contributions with regular interest thereon.

(b) 'Accumulated contributions' for persons who establish membership in the retirement system on or after October 1, 1977, 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.

(2) 'Actuarial equivalent' means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the director and regular interest.

(3) 'Annuity' means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) 'Annuity fund' means the fund in which all of the accumulated contributions of members are held.

(5) 'Annuity reserve fund' means the fund to which all accumulated contributions are transferred upon retirement.

(6) (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 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.

(7) 'Contract' means any agreement for service and compensation between a member and an employer.

(8) 'Creditable service' means membership service plus prior service for which credit is allowable. This subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(9) 'Dependent' means receiving one-half or more of support from a member.

(10) 'Disability allowance' means monthly payments during disability. This subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(11) (a) (i) 'Earnable compensation' for persons who establish membership in the retirement system on or before September 30, 1977, means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the employer shall fix the value of that part of the compensation not paid in money: 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 wages which the individual would have earned during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That if a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, 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 thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for the member's two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(ii) For members employed less than full time under written contract with a school district, or community college district, in an instructional position, for which the member receives service credit of less than one year in all of the years used to determine the earnable compensation used for computing benefits due under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to have earnable compensation defined as provided in RCW 41.32.011. For the purposes of this subsection, the term 'instructional position' means a position in which more than seventy-five percent of the member's time is spent as a classroom instructor (including office hours), a librarian, or a counselor. Earnable compensation shall be so defined only for the purpose of the calculation of retirement benefits and only as necessary to insure that members who receive fractional service credit under RCW 41.32.270 receive benefits proportional to those received by members who have received full-time service credit.

(b) 'Earnable compensation' for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That 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 wages which the individual would have earned during a payroll period shall be considered earnable compensation, 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 earnable compensation be the greater of:

(i) the earnable compensation the member would have received had such member not served in the legislature; or

(ii) such member's actual earnable compensation received for teaching 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.

(12) 'Employer' means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) 'Fiscal year' means a year which begins July 1st and ends June 30th of the following year.

(14) 'Former state fund' means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(15) 'Local fund' means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) 'Member' means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to be exempt from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) 'Membership service' means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member 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 is rendered. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(18) 'Pension' means the moneys payable per year during life from the pension reserve fund.

(19) 'Pension reserve fund' is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system and from which all pension obligations are to be paid.

(20) 'Prior service' means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(21) 'Prior service contributions' means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(22) 'Public school' means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(23) 'Regular contributions' means the amounts required to be deducted from the compensation of a member and credited to the member's individual account in the annuity fund. This subsection shall apply only to persons establishing membership in the retirement system on or before September 30, 1977.

(24) 'Regular interest' means such rate as the director may determine.

(25) (a) 'Retirement allowance' for persons who establish membership in the retirement system on or before September 30, 1977, means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(b) 'Retirement allowance' for persons who establish membership in the retirement system on or after October 1, 1977, means monthly payments to a retiree or beneficiary as provided in this chapter.

(26) 'Retirement system' means the Washington state teachers' retirement system.

(27) (a) 'Service' means the time during which a member has been employed by an employer for compensation: PROVIDED, That where a member 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 is rendered.

(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 earnable compensation is earned (~~for ninety or more hours per calendar month. Members~~) subject to the following conditions:

(i) A member employed in an eligible position or as a substitute shall receive ((twelve months of) service ((for each contract year or school year of employment)) credit for each month of September through August of the following year if he or she earns earnable compensation for eight hundred ten or more hours during that period and is employed during nine of those months, except that a member may not receive credit for any period prior to the member's employment in an eligible position;

(ii) If a member in an eligible position does not meet the requirements of (b)(i) of this subsection, he or she will receive service credit only for those calendar months during which he or she has received compensation for ninety or more hours.

Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive service credit for the time spent in a state elective position by making the required member contributions.

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.

Notwithstanding RCW 41.32.240, teachers covered by RCW 41.32.755 through 41.32.825, who render service need not serve for ninety days to obtain membership so long as the required contribution is submitted for such ninety-day period. Where a member did not receive service credit under RCW 41.32.775 through 41.32.825 due to the ninety-day period in RCW 41.32.240 the member may receive service credit for that period so long as the required contribution is submitted for the period. Anyone entering membership on or after October 1, 1977, and prior to July 1, 1979, shall have until June 30, 1980, to make the required contribution in one lump sum.

The department shall adopt rules implementing this subsection (27)(b).

(28) 'Survivors' benefit fund' means the fund from which survivor benefits are paid to dependents of deceased members. This subsection shall apply only to persons establishing membership in the retirement system on or before September 30, 1977.

(29) 'Teacher' means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity. The term includes state, educational service district, and school district superintendents and their assistants and all employees certificated by the superintendent of public instruction; and in addition thereto any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(30) 'Average final compensation' for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average earnable compensation 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.

(31) '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.

(32) 'Department' means the department of retirement systems created in chapter 41.50 RCW.

(33) 'Director' means the director of the department.

(34) '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.

(35) 'State actuary' or 'actuary' means the person appointed pursuant to RCW 44.44.010(2).

(36) 'Retirement board' means the director of retirement systems.

(37) 'Substitute teacher' means:

(a) A teacher who is hired by a school district to work as a temporary teacher, except for teachers who are contract employees of a school district and are guaranteed a minimum number of hours; or

(b) Persons who work in ineligible positions in more than one school district.

(38) 'Eligible position' in plan II means a position which normally requires two or more uninterrupted months of creditable service during September through August of the following year.

Sec. 3. Section 1, chapter 274, Laws of 1947 as last amended by section 1, chapter 289, Laws of 1989 and by section 1, chapter 309, Laws of 1989 and RCW 41.40.010 are each re-enacted and 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 except as provided in RCW 41.40.450. 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.

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 month's service credit during any calendar month in which multiple service for seventy or more hours is rendered. ~~((Members employed by school districts, the state school for the blind, the state school for the deaf, institutions of higher education, and community colleges may receive up to twelve months of service credit for each school year of employment, subject to RCW 41.40.450.))~~

(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 except as provided in RCW 41.40.450.

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, and community colleges may receive up to twelve months of service credit for each school year of employment, subject to RCW 41.40.450.))~~

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. For purposes of this chapter an employer shall not define 'position' in such a manner that an employee's work for that employer is divided into more than one position;

(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).

Sec. 4. Section 1, chapter 23, Laws of 1973 as last amended by section 2, chapter 289, Laws of 1989 and RCW 41.40.450 are each amended to read as follows:

~~(1) ((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. For members who established membership in the retirement system on or before September 30, 1977, 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. For members who established membership in the retirement system on or after October 1, 1977, 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.~~

~~(2) Notwithstanding any other law, or rule or regulation of the director, any members)) A plan I member who is employed by a school district or districts, an educational school district, the state school for the deaf, the state school for the blind, institutions of higher education, or community colleges:~~

(a) Shall receive service credit for each month of the period from September through August of the following year if he or she is employed in an eligible position, earns compensation earnable for six hundred thirty hours or more during that period, and is employed during

nine months of that period, except that a member may not receive credit for any period prior to the member's employment in an eligible position:

(b) If a member in an eligible position does not meet the requirements of (a) of this subsection, the member is entitled to service credit only for those calendar months during which he or she received compensation for seventy or more hours.

(2) A plan II member who is employed by a school district or districts, an educational school district, the state school for the blind, the state school for the deaf, institutions of higher education, or community colleges (~~who are actually employed on a continuous nine-month basis and who earn at least nine months of service credit under RCW 41.40.010(9)~~) during the contract year or school year of employment shall receive credit for twelve months of service.

(3) The provisions of subsection (2) of this section shall be effective on a retroactive basis for all members who retire after July 23, 1989):

(a) Shall receive service credit for each month of the period from September through August of the following year if he or she is employed in an eligible position, earns compensation earnable for eight hundred ten hours or more during that period, and is employed during nine months of that period, except that a member may not receive credit for any period prior to the member's employment in an eligible position;

(b) If a member in an eligible position does not meet the requirements of (a) of this subsection, the member is entitled to service credit only for those calendar months during which he or she received compensation for ninety or more hours.

(3) The department shall adopt rules implementing this section.

NEW SECTION. Sec. 5. A new section is added to chapter 41.32 RCW to read as follows:

Substitute teachers may apply to the department to receive service credit after the end of the last day of instruction of the school year during which the service was performed.

(1) The application must:

(a) Include a list of the employers the substitute teacher has worked for;

(b) Include proof of hours worked and compensation earned; and

(c) Be made prior to retirement.

(2) If the department accepts the substitute teacher's application for service credit, the substitute teacher may obtain service credit by paying the required contribution to the retirement system. The employer must pay the required employer contribution upon notice from the department that the substitute teacher has made contributions under this section.

(3) The department shall charge interest prospectively on employee contributions that are submitted under this section more than six months after the end of the school year, as defined in RCW 28A.01.020, for which the substitute teacher is seeking service credit. The interest rate charged to the employee shall take into account interest lost on employer contributions delayed for more than six months after the end of the school year.

(4) Each school district shall quarterly notify each substitute teacher it has employed during the school year of the number of hours worked by, and the compensation paid to, the substitute teacher.

(5) The department shall adopt rules implementing this section.

Sec. 6. Section 2, chapter 227, Laws of 1984 as last amended by section 24, chapter 109, Laws of 1988 and RCW 41.04.445 are each amended to read as follows:

(1) This section applies to all members (~~without exception~~) who are:

(a) Judges under the retirement system established under chapter 2.10, 2.12, or 2.14 RCW;

(b) Employees of the state under the retirement system established by chapter 41.32, 41.40, or 43.43 RCW;

(c) Employees of school districts under the retirement system established by chapter 41.32 or 41.40 RCW, ~~except for substitute teachers as defined by RCW 41.32.010(37);~~

(d) Employees of educational service districts under the retirement system established by chapter 41.32 or 41.40 RCW; or

(e) Employees of community college districts under the retirement system established by chapter 41.32 or 41.40 RCW.

(2) For compensation earned after the effective date of the implementation of this section and as provided by section 414(h) of the federal internal revenue code, the employer of all the members specified in subsection (1) of this section shall pick up only those member contributions as required under:

(a) RCW 2.10.090(1);

(b) RCW 2.12.060;

(c) RCW 2.14.090;

(d) RCW 41.32.260(2);

(e) RCW 41.32.350;

(f) RCW 41.32.775;

(g) RCW 41.40.330 (1) and (3);

(h) RCW 41.40.650; and

(i) RCW 43.43.300.

(3) Only for the purposes of federal income taxation, the gross income of the member shall be reduced by the amount of the contribution to the respective retirement system picked up by the employer.

(4) All member contributions to the respective retirement system picked up by the employer as provided by this section, plus the accrued interest earned thereon, shall be paid to the member upon the withdrawal of funds or lump-sum payment of accumulated contributions as provided under the provisions of the retirement systems.

(5) At least forty-five days prior to implementing this section, the employer shall provide:

(a) A complete explanation of the effects of this section to all members; and

(b) Notification of such implementation to the director of the department of retirement systems.

Sec. 7. Section 35, chapter 80, Laws of 1947 as last amended by section 6, chapter 189, Laws of 1973 1st ex. sess. and RCW 41.32.350 are each amended to read as follows:

~~((Each year during which he is employed each member shall contribute five percent of his earnable compensation. These))~~ Member contributions shall be placed in the annuity fund, the disability reserve fund and the death benefit fund. A member may make an additional lump sum payment at date of retirement, not to exceed his accumulated contributions, to purchase additional annuity ~~((- PROVIDED, That effective July 1, 1974, the amount of)).~~ A contribution ~~((required from each member by this section shall be increased to))~~ of six percent of ~~((his))~~ earnable compensation is required from each member, except as provided under section 5 of this 1990 act.

Sec. 8. Section 3, chapter 236, Laws of 1984 as amended by section 18, chapter 273, Laws of 1989 and RCW 41.32.403 are each amended to read as follows:

The amount paid by each employer shall be computed by applying the rates established under chapter 41.45 RCW to the total earnable compensation of the employer's members as shown on the current payrolls of the employer. The employer's contribution shall be paid at the end of each month in the amount due for that month, except as provided in section 5 of this 1990 act.

Sec. 9. Section 6, chapter 293, Laws of 1977 ex. sess. as last amended by section 19, chapter 273, Laws of 1989 and RCW 41.32.775 are each amended to read as follows:

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: PROVIDED, That the employer contribution shall be contributed as provided in RCW 41.32.403. The state actuary shall use the aggregate actuarial cost method to calculate contribution rates. The employer contribution rate calculated under this section shall be used only for the purpose of determining the amount of employer contributions to be deposited in the plan II fund from the total employer contributions collected under RCW 41.32.403.

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.

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.

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.

Members contributions required by this section shall be deducted from the members earnable compensation each payroll period, except as provided in section 5 of this 1990 act. The members contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends and the employers contribution shall be remitted as provided by law.

Sec. 10. Section 13, chapter 274, Laws of 1947 as last amended by section 25, chapter 109, Laws of 1988 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):

(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: (a) Membership in the plan created under chapter 2.14 RCW; or (b) enrollment under the relief and compensation provisions or the pension provisions of the volunteer ~~((firemen's))~~ fire fighters' 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))~~ Plan I retirees employed in eligible positions on a temporary basis for a period not to exceed ~~((six))~~ five months in a calendar year: PROVIDED, That if such employees are employed for more than ~~((six))~~ five months in a calendar year in an eligible position they shall become members of the system prospectively;

(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. 11. Section 10, chapter 295, Laws of 1977 ex. sess. as last amended by section 11, chapter 109, Laws of 1988 and RCW 41.40.690 are each amended to read as follows:

(1) No retiree under the provisions of ((RCW 41.40.610 through 41.40.740)) plan II 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:)) he or she is employed in an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030, except that:

(a) 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((-However, a retired judge may render up to ninety days of pro tempore service per year as a judge of a court of record before the judge's allowance shall be reduced on a pro rata basis pursuant to this section:

Upon cessation of service for any nonfederal public employer in this state such retiree shall have)); and

(b) A plan II retiree may work in eligible positions on a temporary basis for up to five months in a calendar year.

(2) If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(3) The department shall adopt rules implementing this section.

Sec. 12. Section 11, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.500 are each amended to read as follows:

(1) No retiree under the provisions of ((RCW 41.26.410 through 41.26.550)) plan II 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:

Upon cessation of service for any nonfederal public employer in this state such retiree shall have)) he or she is employed in an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030. If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(2) The department shall adopt rules implementing this section.

Sec. 13. Section 11, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.800 are each amended to read as follows:

(1) No retiree under the provisions of ((RCW 41.32.755 through 41.32.825)) plan II 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:

Upon cessation of service for any nonfederal public employer in this state such retiree shall have)) he or she is employed in an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030.

If a retiree's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be

suspended. Upon reinstatement, the retiree's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(2) The department shall adopt rules implementing this section.

Sec. 14. Section 10, chapter 109, Laws of 1988 and RCW 2.10.155 are each amended to read as follows:

(1) No judge shall be eligible to receive the judge's monthly service or disability retirement allowance if the retired judge ((is performing service for any nonfederal public employer in this state. However, a retired judge may render up to ninety days of pro tempore service per year as a judge of a court of record before the judge's allowance shall be reduced on a pro rata basis pursuant to this section.

Upon cessation of service for any nonfederal public employer in this state such retiree shall have)) is employed:

(a) For more than eight hundred ten hours in a calendar year as a pro tempore judge; or

(b) In an eligible position as defined in RCW 41.40.010 or 41.32.010, or as a law enforcement officer or fire fighter as defined in RCW 41.26.030.

(2) Subsection (1) of this section notwithstanding, a previously elected judge of the superior court who retired before the effective date of this 1990 act leaving a pending case in which the judge had made discretionary rulings may hear the pending case as a judge pro tempore without having his or her retirement allowance suspended.

(3) If a retired judge's benefits have been suspended under this section, his or her benefits shall be reinstated when the retiree terminates the employment that caused his or her benefits to be suspended. Upon reinstatement, the retired judge's benefits shall be actuarially recomputed pursuant to the rules adopted by the department.

(4) The department shall adopt rules implementing this section.

Sec. 15. Section 7, chapter 293, Laws of 1977 ex. sess. as amended by section 5, chapter 45, Laws of 1979 ex. sess. and RCW 41.32.780 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, all teachers who become employed by an employer in an eligible position on or after October 1, 1977, shall be members of the retirement system and shall be governed by the provisions of RCW 41.32.755 through 41.32.825.

(2) No teacher who commences a period of employment on or after July 1, 1979, as a participant under the federal comprehensive employment and training act of 1973 (CETA) (29 U.S.C. Sec. 801 et seq.), as amended, shall be a member of this system during the period of such participation unless, at the commencement of the participation under CETA, the teacher either:

(a) Has at least five years of service and the full amount of the employee's contributions for such service remains on deposit in the system; or

(b) Has previously been retired from this system.

Sec. 16. Section 19, chapter 293, Laws of 1977 ex. sess. as amended by section 4, chapter 272, Laws of 1989 and by section 15, chapter 273, Laws of 1989 and RCW 41.32.005 are each reenacted and amended to read as follows:

(1) 'Teachers' retirement system plan I' or 'plan I' means the benefits and funding provisions covering persons who first became members of the teachers' retirement system prior to July 1, 1977. The provisions of the following sections of this chapter shall apply only to members of plan I: RCW 41.32.240, 41.32.250, 41.32.260, 41.32.270, 41.32.280, 41.32.290, 41.32.300, 41.32.310, 41.32.320, 41.32.330, 41.32.340, 41.32.350, 41.32.360, 41.32.365, 41.32.366, 41.32.380, 41.32.390, 41.32.430, 41.32.440, 41.32.470, 41.32.480, 41.32.491, 41.32.492, 41.32.493, 41.32.4931, 41.32.4932, 41.32.494, 41.32.4943, 41.32.4944, 41.32.4945, 41.32.497, 41.32.498, 41.32.499, 41.32.500, 41.32.510, 41.32.520, 41.32.522, 41.32.523, 41.32.530, 41.32.540, 41.32.550, 41.32.560, 41.32.561, 41.32.565, 41.32.567, 41.32.570, 41.32.575, and 41.32.583.

(2) 'Teachers' retirement system plan II' or 'plan II' means the benefits and funding provisions covering persons who first became members of the teachers' retirement system on or after July 1, 1977. The provisions of RCW 41.32.760 through 41.32.830 shall apply only to the members of plan II.

NEW SECTION. Sec. 17. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 18. The 1990 amendments to RCW 41.32.010(27)(b) and 41.40.450 are intended by the legislature to effect administrative, rather than substantive, changes to the affected retirement plan. The legislature therefore reserves the right to revoke or amend the 1990 amendments to RCW 41.32.010(27)(b) and 41.40.450. No member is entitled to have his or her service credit calculated under the 1990 amendments to RCW 41.32.010(27)(b) and 41.40.450 as a matter of contractual right.

NEW SECTION. Sec. 19. Beginning on the effective date of this section, the 1990 amendments to RCW 41.40.690, 41.26.500, 41.32.780, and 2.10.155 regarding postretirement employment are available prospectively to all members of the retirement systems defined in RCW 2.10.040, 41.26.005(2), 41.32.005(2), and 41.40.005(2), regardless of the member's date of retirement. The legislature reserves the right to revoke or amend the 1990 amendments to RCW 41.40.690, 41.26.500, 41.32.780, and 2.10.155. The 1990 amendments to RCW 41.40.690, 41.26.500,

41.32.780, and 2.10.155 do not grant a contractual right to the members or retirees of the affected systems.

NEW SECTION. Sec. 20. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 21. Sections 1 through 8 of this act shall take effect September 1, 1990.

NEW SECTION. Sec. 22. Section 3, chapter 289, Laws of 1989 (uncodified) is hereby repealed."

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 41.32.010, 41.40.450, 41.04.445, 41.32.350, 41.32.403, 41.32.775, 41.40.120, 41.40.690, 41.26.500, 41.32.800, 2.10.155, and 41.32.780; reenacting and amending RCW 41.40.010 and 41.32.005; adding a new section to chapter 41.32 RCW; creating new sections; repealing section 3, chapter 289, Laws of 1989 (uncodified); and providing an effective date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. H. Sommers moved that the House do concur in the Senate amendments to Substitute House Bill No. 2644.

Ms. H. Sommers spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of Substitute House Bill No. 2644 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2644 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nulley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives King P, King R - 2.

Excused: Representatives Baugher, Beck, Haugen - 3.

Substitute House Bill No. 2644 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed REENGROSSED HOUSE BILL NO. 1724 with the following amendment:

On page 1, line 22, after "port" strike "of" and insert "or" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendment to Reengrossed House Bill No. 1724.

Ms. R. Fisher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of Reengrossed House Bill No. 1724 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed House Bill No. 1724 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

Reengrossed House Bill No. 1724 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 28, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1824 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 28B.15 RCW to read as follows:

(1) The governing boards of state institutions of higher education as defined in RCW 28B.10.016 may waive the tuition and services and activities fees for state employees as defined under subsection (2) of this section pursuant to the following conditions:

(a) Such state employees shall register for and be enrolled in courses on a space available basis and no new course sections shall be created as a result of the registration:

(b) Enrollment information on state employees registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such state employees be considered in any enrollment statistics which would affect budgetary determinations; and

(c) State employees registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) For the purposes of this section, 'state employees' means permanent full-time employees in classified service under chapters 28B.16 and 41.06 RCW."

On page 1, line 2 of the title, after "education," strike the remainder of the title and insert "and adding a new section to chapter 28B.15 RCW."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jacobsen moved that the House do concur in the Senate amendments to Substitute House Bill No. 1824.

Mr. Jacobsen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of Substitute House Bill No. 1824 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1824 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betrozoff, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D,

Sommers H. Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Bowman - 1.

Excused: Representatives Baugher, Beck, Haugen - 3.

Substitute House Bill No. 1824 as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

On final passage of Substitute House Bill No. 1824 as amended by the Senate my vote should have been "Yes."

ROSE BOWMAN, 20th District.

SENATE AMENDMENT TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2272 with the following amendment:

On page 4, line 9, after "RCW 62A.9-504." insert "The notice of default by a tenant must state the amount of rent and the amount and nature of any reasonable expenses that the secured party is liable for payment to the landlord. The notice must also state that the secured party will be provided a copy of the rental agreement previously signed by the tenant and the landlord upon request."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Nutley moved that the House do concur in the Senate amendment to House Bill No. 2272. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of House Bill No. 2272 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2272 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brunsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raifer, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

House Bill No. 2272 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2336 with the following amendment:

On page 1, line 19, strike "term of imprisonment or fine" and insert "fine or imprisonment otherwise authorized by this chapter"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House do concur in the Senate amendment to Substitute House Bill No. 2336.

Mr. Crane spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of Substitute House Bill No. 2336 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2336 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R. Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P. King R. Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D. Sommers H. Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K. Wilson S. Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

Substitute House Bill No. 2336 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 27, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2421 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 241, Laws of 1989 and RCW 88.12.070 are each amended to read as follows:

(1) The purpose of this section is to promote safety in water skiing on the waters of Washington state, provide a means of ensuring safe water skiing and promote the enjoyment of water skiing.

(2) When used in this section, the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(a) 'Operator' means the individual in physical control of ~~((the recreational boat))~~ a vessel. The operator of a personal watercraft shall be at least fourteen years of age.

(b) 'Observer' means the individual riding in ~~((the recreational boat))~~ a vessel who shall be responsible for observing the water skier at all times. The observer and the operator shall not be the same person. The observer shall be ((at least ten years of age)) an individual who meets the minimum qualifications for an observer established by rules of the state parks and recreation commission.

(c) ~~(('Recreational boat' means any vessel manufactured or used primarily for noncommercial use, or leased, rented, or chartered to another for the latter's noncommercial use.))~~ 'Personal watercraft' means a vessel of less than sixteen feet which uses a motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(d) 'Vessel' means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(e) 'Waters of Washington state' means any waters within the territorial limits of Washington state.

(3) No ~~((recreational boat))~~ vessel which has in tow a person or persons on water skis, or similar contrivance shall be operated on any waters of Washington state unless such craft shall be occupied by at least an operator and an observer. The observer shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons fall into the water, and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright red or brilliant orange color, measuring at least twelve inches ((on each side)) square, mounted on a ((handle)) pole not less than twenty-four inches long and displayed as to be visible from every direction. This subsection does not apply to a ~~((United States coast guard approved recreational boat))~~ personal watercraft, the design of which makes no provision for carrying an operator or any other person on board, and that is actually operated by the person or persons being towed. Every remote-

operated personal watercraft shall have a flag attached which meets the requirements of this subsection.

(4) No person shall engage or attempt to engage in water skiing, or operate or ride on a personal watercraft, without wearing an adequate and effective United States coast guard approved type I, II, III, or V personal flotation device in good and serviceable condition and of appropriate size, or a wet suit (~~specifically designed by a manufacturer for that purpose and capable of floating the water skier~~) which is approved for personal flotation by the United States coast guard. A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch must attach the lanyard to his or her person, clothing, or personal flotation device as is appropriate for the specific vessel. It is unlawful for any person to remove or disable a cutoff switch which was installed by the manufacturer.

(5) No person shall engage or attempt to engage in water skiing, or operate any vessel to tow a water skier, on the waters of Washington state during the period from one hour after sunset until one hour prior to sunrise.

(6) No person shall operate a personal watercraft on the waters of Washington state during the period from sunset until sunrise.

(7) No person engaged in water skiing, or the operation of a personal watercraft, shall conduct himself or herself in a negligent manner that endangers, or is likely to endanger, any person or property.

~~((7))~~ (8) The requirements of subsections (3), (4), and (5) of this section shall not apply to (~~water skiers and boat operators~~) persons engaged in (~~water ski~~) tournaments, competitions, or exhibitions that have been authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events.

(9) It shall be unlawful for a person to lease, hire, or rent a personal watercraft to any person who is under sixteen years of age.

Sec. 2. Section 4, chapter 72, Laws of 1933 and RCW 88.12.040 are each amended to read as follows:

(1) All such motor driven boats or vessels shall use (~~a muffler or other similar device to reduce the sound of exhaust~~) an adequate and operating muffling device with a series of baffles and chambers, which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise.

(2) It shall be unlawful to remove, disable, bypass, or use a cutout device on any muffler or muffling device of any vessel, except while engaged in organized racing events in an area designated for that purpose.

Sec. 3. Section 2, chapter 267, Laws of 1985 as last amended by section 6, chapter 373, Laws of 1987 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 or to operate at a rate of speed greater than will permit the operator in the exercise of reasonable care to bring the vessel to a safe stop.

(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 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

(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 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, other than a seaplane.

(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.

NEW SECTION. Sec. 4. This act shall take effect July 1, 1990.

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

On page 1, line 1 of the title, after "skis;" strike the remainder of the title and insert "amending RCW 88.12.070, 88.12.040, and 88.02.095; providing an effective date; and prescribing penalties."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. K. Wilson moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 2421 and ask the Senate for a conference thereon.

Ms. K. Wilson spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. King presiding) appointed Representatives K. Wilson, Dorn and Ballard as conferees on Substitute House Bill No. 2421.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2609 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 383, Laws of 1989 and RCW 70.148.005 are each amended to read as follows:

(1) The legislature finds that:

(a) Final regulations adopted by the United States environmental protection agency (EPA) require owners and operators of underground petroleum storage tanks to demonstrate financial responsibility for accidental releases of petroleum as a precondition to continued ownership and operation of such tanks;

(b) Financial responsibility is demonstrated through the purchase of pollution liability insurance or an acceptable alternative such as coverage under a state financial responsibility program, in the amount of at least five hundred thousand dollars per occurrence and one million dollars annual aggregate depending upon the nature, use, and number of tanks owned or operated;

(c) Many owners and operators of underground petroleum storage tanks cannot purchase pollution liability insurance either because private insurance is unavailable at any price or because owners and operators cannot meet the rigid underwriting standards of existing insurers, nor can many owners and operators meet the strict regulatory standards imposed for alternatives to the purchase of insurance; and

(d) Without a state financial responsibility program for owners and operators of underground petroleum storage tanks, many tank owners and operators will be forced to discontinue the ownership and operation of these tanks.

(2) The purpose of this chapter is to create a state financial responsibility program meeting EPA standards for owners and operators of underground petroleum storage tanks in a manner that:

(a) Minimizes state involvement in pollution liability claims management and insurance administration;

(b) Protects the state of Washington from unwanted and unanticipated liability for accidental release claims;

(c) Creates incentives for private insurers to provide needed liability insurance; and

(d) Parallels generally accepted principles of insurance and risk management.

To that end, this chapter establishes a temporary program to provide pollution liability reinsurance at a price that will encourage a private insurance company or risk retention group to sell pollution liability insurance in accordance with the requirements of this chapter to owners and operators of underground petroleum storage tanks, thereby allowing the owners and operators to comply with the financial responsibility regulations of the EPA.

(3) It is not the intent of this chapter to permit owners and operators of underground petroleum storage tanks to obtain pollution liability insurance without regard to the quality or condition of their storage tanks or without regard to the risk management practices of tank owners and operators, nor is it the intent of this chapter to provide coverage or funding for past or existing petroleum releases. Further, it is the intent of the legislature that the program follow generally accepted insurance underwriting and actuarial principles and to deviate from those principles only to the extent necessary and within the tax revenue limits provided, to make pollution liability insurance reasonably affordable and available to owners and operators who meet the requirements of this chapter, particularly to those owners and operators whose underground storage tanks meet a vital economic need within the affected community.

Sec. 2. Section 2, chapter 383, Laws of 1989 and RCW 70.148.010 are each amended to read as follows:

Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Accidental release' means any sudden or nonsudden release of petroleum arising from operating an underground storage tank that results in a need for corrective action, bodily injury, or property damage neither expected nor intended by the owner or operator.

(2) ~~'(Administrator) Director'~~ means the Washington pollution liability ~~((reinsurance)) insurance program ((administrator)) director.~~

(3) 'Bodily injury' means bodily injury, sickness, or disease sustained by any person, including death at any time resulting from the injury, sickness, or disease.

(4) 'Corrective action' means those actions reasonably required to be undertaken by the insured to remove, treat, neutralize, contain, or clean up an accidental release in order to comply with any statute, ordinance, rule, regulation, directive, order, or similar legal requirement of the United States, the state of Washington, or any political subdivision of the United States or the state of Washington in effect at the time of an accidental release. 'Corrective action' includes, when agreed to in writing, in advance by the insurer, action to remove, treat, neutralize, contain, or clean up an accidental release to avert, reduce, or eliminate the liability of the insured for corrective action, bodily injury, or property damage. 'Corrective action' also includes actions reasonably necessary to monitor, assess, and evaluate an accidental release. 'Corrective action' does not include:

(a) Replacement or repair of storage tanks or other receptacles;

(b) Replacement or repair of piping, connections, and valves of storage tanks or other receptacles;

(c) Excavation or backfilling done in conjunction with (a) or (b) of this subsection; or

(d) Testing for a suspected accidental release if the results of the testing indicate that there has been no accidental release.

(5) 'Defense costs' include the costs of legal representation, expert fees, and related costs and expenses incurred in defending against claims or actions brought by or on behalf of:

(a) The United States, the state of Washington, or any political subdivision of the United States or state of Washington to require corrective action or to recover costs of corrective action; or

(b) A third party for bodily injury or property damage caused by an accidental release.

(6) 'Washington pollution liability ~~((reinsurance)) insurance program' or 'program' means the ((excess-of-loss)) reinsurance program created by this chapter.~~

(7) 'Insured' means the owner or operator who is provided insurance coverage in accordance with this chapter.

(8) 'Insurer' means the insurance company or risk retention group licensed or qualified to do business in Washington and authorized by the ~~((administrator)) director~~ to provide insurance coverage in accordance with this chapter.

(9) 'Loss reserve' means the amount traditionally set aside by commercial liability insurers for costs and expenses related to claims that have been made. 'Loss reserve' does not include losses that have been incurred but not reported to the insurer.

(10) 'Occurrence' means an accident, including continuous or repeated exposure to conditions, that results in a release from an underground storage tank.

~~((+6))~~ (11) 'Operator' means a person in control of, or having responsibility for, the daily operation of an underground storage tank.

~~((+1))~~ (12) 'Owner' means a person who owns an underground storage tank.

~~((+2))~~ (13) 'Person' means an individual, trust, firm, joint stock company, corporation (including government corporation), partnership, association, consortium, joint venture, commercial entity, state, municipality, commission, political subdivision of a state, interstate body, the federal government, or any department or agency of the federal government.

~~((+3))~~ (14) 'Petroleum' means crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure, which means at sixty degrees Fahrenheit and 14.7 pounds per square inch absolute and includes gasoline, kerosene, heating oils, and diesel fuels.

~~((+4))~~ (15) 'Property damage' means:

(a) Physical injury to, destruction of, or contamination of tangible property, including the loss of use of the property resulting from the injury, destruction, or contamination; or

(b) Loss of use of tangible property that has not been physically injured, destroyed, or contaminated but has been evacuated, withdrawn from use, or rendered inaccessible because of an accidental release.

~~((+5))~~ (16) 'Release' means the emission, discharge, disposal, dispersal, seepage, or escape of petroleum from an underground storage tank into or upon land, ground water, surface water, subsurface soils, or the atmosphere.

(17) 'Surplus reserve' means the amount traditionally set aside by commercial property and casualty insurance companies to provide financial protection from unexpected losses and to serve, in part, as a measure of an insurance company's net worth.

((16)) (18) 'Tank' means a stationary device, designed to contain an accumulation of petroleum, that is constructed primarily of nonearthen materials such as wood, concrete, steel, or plastic that provides structural support.

((17)) (19) 'Underground storage tank' means any one or a combination of tanks including underground pipes connected to the tank, that is used to contain an accumulation of petroleum and the volume of which (including the volume of the underground pipes connected to the tank) is ten percent or more beneath the surface of the ground.

Sec. 3. Section 3, chapter 383, Laws of 1989 and RCW 70.148.020 are each amended to read as follows:

(1) The pollution liability (~~(reinsurance)~~) insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the program. The account is subject to allotment procedures under chapter 43.88 RCW. Expenditures for payment of the costs of administering the program may be made only after appropriation by statute. No appropriation is required for other expenditures from the account. The earnings on any surplus balances in the pollution liability (~~(reinsurance)~~) insurance program trust account shall be credited to the account notwithstanding RCW 43.84.090.

(2) Each calendar quarter, the director shall report to the insurance commissioner and the chairs of the senate ways and means, senate financial institutions, house of representatives revenue, and house of representatives financial institutions committees, the loss and surplus reserves required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

Sec. 4. Section 4, chapter 383, Laws of 1989 and RCW 70.148.030 are each amended to read as follows:

(1) The Washington pollution liability (~~(reinsurance)~~) insurance program is created as an independent agency of the state. The administrative head and appointing authority of the program shall be the (~~(administrator)~~) director who shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The salary for this office shall be set by the governor pursuant to RCW 43.03.040. The (~~(administrator)~~) director shall appoint (~~(an assistant administrator. The administrator, assistant administrator)~~) a deputy director. The director, deputy director, and up to three other employees are exempt from the civil service law, chapter 41.06 RCW.

(2) The (~~(administrator)~~) director shall employ such other staff as are necessary to fulfill the responsibilities and duties of the (~~(administrator)~~) director. The staff is subject to the civil service law, chapter 41.06 RCW. In addition, the (~~(administrator)~~) director 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. To the extent necessary to protect the state from unintended liability and ensure quality program and contract design, the director shall contract with an organization or organizations with demonstrated experience and ability in managing and designing pollution liability insurance and with an organization or organizations with demonstrated experience and ability in managing and designing pollution liability reinsurance. The director shall enter into such contracts after competitive bid but need not select the lowest bid. Any such contractor or consultant is prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the program (~~(administrator. The administrator)~~) director. The director may call upon other agencies of the state to provide technical support and available information as necessary to assist the (~~(administrator)~~) director in meeting the (~~(administrator's)~~) director's responsibilities under this chapter. Agencies shall supply this support and information as promptly as circumstances permit.

(3) The governor shall appoint a standing technical advisory committee that is representative of the public, the petroleum marketing industry, business and local government owners of underground storage tanks, and insurance professionals. Individuals appointed to the technical advisory committee shall serve at the pleasure of the governor and without compensation for their services as members, but may be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) A member of the technical advisory committee of the program is not civilly liable for any act or omission in the course and scope of his or her official capacity unless the act or omission constitutes gross negligence.

Sec. 5. Section 5, chapter 383, Laws of 1989 and RCW 70.148.040 are each amended to read as follows:

The (~~(administrator)~~) director may adopt rules consistent with this chapter to carry out the purposes of this chapter. All rules shall be adopted in accordance with chapter 34.05 RCW.

Sec. 6. Section 6, chapter 383, Laws of 1989 and RCW 70.148.050 are each amended to read as follows:

The (~~(administrator)~~) director has the following powers and duties:

(1) To design and from time to time revise (~~(an excess of loss)~~) a reinsurance contract providing coverage to an insurer meeting the requirements of this chapter. Before initially entering into a reinsurance contract, the director shall provide a report to the chairs of the senate ways and means, senate financial institutions, house of representatives revenue, and house of representatives financial institutions committees and shall include an actuarial report describing the various reinsurance methods considered by the director and describing each method's costs. In designing the reinsurance contract the ~~((administrator))~~ director shall consider common insurance industry (~~(excess of loss)~~) reinsurance contract provisions and shall design the contract in accordance with the following guidelines:

(a) The contract shall provide coverage to the insurer for the liability risks of owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action that are underwritten by the insurer.

(b) In the event of an insolvency of the insurer, the reinsurance contract shall provide reinsurance payable directly to the insurer or to its liquidator, receiver, or successor on the basis of the liability of the insurer in accordance with the reinsurance contract. In no event may the program be liable for or provide coverage for that portion of any covered loss that is the responsibility of the insurer whether or not the insurer is able to fulfill the responsibility.

(c) The total limit of liability for reinsurance coverage shall not exceed one million dollars per occurrence and two million dollars annual aggregate for each policy underwritten by the insurer less the ultimate net loss retained by the insurer as defined and provided for in the reinsurance contract.

(d) Disputes between the insurer and the ~~((reinsurance))~~ insurance program shall be settled through arbitration.

(2) To design and implement a structure of periodic premiums due the ~~((administrator))~~ director from the insurer that takes full advantage of revenue collections and projected revenue collections to ensure affordable premiums to the insured consistent with sound actuarial principles.

(3) To periodically review premium rates for reinsurance to determine whether revenue appropriations supporting the program can be reduced without substantially increasing the insured's premium costs.

(4) To solicit bids from insurers and select an insurer to provide pollution liability insurance to owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action.

(5) To monitor the activities of the insurer to ensure compliance with this chapter and protect the program from excessive loss exposure resulting from claims mismanagement by the insurer.

(6) To monitor the success of the program and periodically make such reports and recommendations to the legislature as the ~~((administrator))~~ director deems appropriate.

(7) To annually report the financial and loss experience of the insurer as to policies issued under the program and the financial and loss experience of the program to the legislature.

(8) To evaluate the effects of the program upon the private market for liability insurance for owners and operators of underground storage tanks and make recommendations to the legislature on the necessity for continuing the program to ensure availability of such coverage.

(9) To enter into contracts with public and private agencies to assist the ~~((administrator))~~ director in his or her duties to design, revise, monitor, and evaluate the program and to provide technical or professional assistance to the ~~((administrator))~~ director.

(10) To examine the affairs, transactions, accounts, records, documents, and assets of insurers as the ~~((administrator))~~ director deems advisable.

Sec. 7. Section 7, chapter 383, Laws of 1989 and RCW 70.148.060 are each amended to read as follows:

(1) All examination and proprietary reports and information obtained by the ~~((administrator))~~ director and the ~~((administrator's))~~ director's staff in soliciting bids from insurers and in monitoring the insurer selected by the ~~((administrator))~~ director 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 ~~((administrator))~~ director may furnish all or part of examination reports prepared by the ~~((administrator))~~ director or by any person, firm, corporation, association, or other entity preparing the reports on behalf of the ~~((administrator))~~ director to:

(a) The Washington state insurance commissioner;

(b) A person or organization officially connected with the insurer as officer, director, attorney, auditor, or independent attorney or independent auditor; and

(c) The attorney general in his or her role as legal advisor to the ~~((administrator))~~ director.

(3) Subsection (1) of this section notwithstanding, the ~~((administrator))~~ director may furnish all or part of the examination or proprietary reports or information obtained by the ~~((administrator))~~ director to:

(a) The Washington state insurance commissioner; and

(b) A person, firm, corporation, association, governmental body, or other entity with whom the ((administrator)) director has contracted for services necessary to perform his or her official duties.

(4) Examination reports and proprietary information obtained by the ((administrator)) director and the ((administrator's)) director's staff are not subject to public disclosure under chapter 42.17 RCW.

(5) A person who violates any provision of this section is guilty of a gross misdemeanor.

Sec. 8. Section 8, chapter 383, Laws of 1989 and RCW 70.148.070 are each amended to read as follows:

(1) In selecting an insurer to provide pollution liability insurance coverage to owners and operators of underground storage tanks, the ((administrator)) director shall evaluate bids based upon criteria established by the ((administrator)) director that shall include:

- (a) The insurer's ability to underwrite pollution liability insurance;
- (b) The insurer's ability to settle pollution liability claims quickly and efficiently;
- (c) The insurer's estimate of underwriting and claims adjustment expenses;
- (d) The insurer's estimate of premium rates for providing coverage;
- (e) The insurer's ability to manage and invest premiums; and
- (f) The insurer's ability to provide risk management guidance to insureds.

The ((administrator)) director shall select the bidder most qualified to provide insurance consistent with this chapter and need not select the bidder submitting the least expensive bid. The ((administrator)) director may consider bids by groups of insurers and management companies who propose to act in concert in providing coverage and who otherwise meet the requirements of this chapter.

(2) The successful bidder shall agree to provide liability insurance coverage to owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action consistent with the following minimum standards:

- (a) The insurer shall provide coverage for defense costs.
- (b) The insurer shall collect a deductible from the insured for corrective action in an amount approved by the ((administrator)) director.
- (c) The insurer shall provide coverage for accidental releases in the amount of five hundred thousand dollars per occurrence and one million dollars annual aggregate but no more than one million dollars per occurrence and two million dollars annual aggregate exclusive of defense costs.

(d) The insurer shall require insurance applicants to meet at least the following underwriting standards before issuing coverage to the applicant:

- (i) The applicant must be in compliance with statutes, ordinances, rules, regulations, and orders governing the ownership and operation of underground storage tanks as identified by the ((administrator)) director by rule; and
 - (ii) The applicant must exercise adequate underground storage tank risk management as specified by the ((administrator)) director by rule.
- (e) The insurer may exclude coverage for losses arising before the effective date of coverage, and the ((administrator)) director may adopt rules establishing standards for determining whether a loss was incurred before the effective date of coverage.
- (f) The insurer may exclude coverage for bodily injury, property damage, and corrective action as permitted by the ((administrator)) director by rule.

(g) The insurer shall use a variable rate schedule approved by the ((administrator)) director taking into account tank type, tank age, and other factors specified by the ((administrator)) director.

(3) The ((administrator)) director shall adopt all rules necessary to implement this section. In developing and adopting rules governing rates, deductibles, underwriting standards, and coverage conditions, limitations, and exclusions, the ((administrator)) director shall balance the owner and operator's need for coverage with the need to maintain the actuarial integrity of the program, shall take into consideration the economic impact of the discontinued use of a storage tank upon the affected community, and shall consult with the standing technical advisory committee established under RCW 70.148.030(3). In developing and adopting rules governing coverage exclusions affecting corrective action, the ((administrator)) director shall consult with the Washington state department of ecology.

(4) Notwithstanding the definitions contained in RCW 70.148.010, the ((administrator)) director may permit an insurer to use different words or phrases describing the coverage provided under the program. In permitting such deviations from the definitions contained in RCW 70.148.010, the ((administrator)) director shall consider the regulations adopted by the United States environmental protection agency requiring financial responsibility by owners and operators of underground petroleum storage tanks.

(5) Owners and operators of underground storage tanks or sites containing underground storage tanks where a preexisting release has been identified or where the owner or operator knows of a preexisting release are eligible for coverage under the program subject to the following conditions:

- (a) The owner or operator must have a plan for proceeding with corrective action; and

(b) If the owner or operator files a claim with the insurer, the owner or operator has the burden of proving that the claim is not related to a preexisting release until the owner or operator demonstrates to the satisfaction of the ((administrator)) director that corrective action has been completed.

(6) When a reinsurance contract has been entered into by the agency and insurance companies, the director shall notify the department of ecology of the letting of the contract. Within thirty days of that notification, the department of ecology shall notify all known owners and operators of petroleum underground storage tanks that appropriate levels of financial responsibility must be established by October 26, 1990, in accordance with federal environmental protection agency requirements, and that insurance under the program is available. All owners and operators of petroleum underground storage tanks must also be notified that declaration of method of financial responsibility or intent to seek to be insured under the program must be made to the state by November 1, 1990. If the declaration of method of financial responsibility is not made by November 1, 1990, the department of ecology shall, pursuant to chapter 90.76 RCW, prohibit the owner or operator of an underground storage tank from obtaining a tank tag or receiving petroleum products until such time as financial responsibility has been established.

Sec. 9. Section 9, chapter 383, Laws of 1989 and RCW 70.148.080 are each amended to read as follows:

If the insurer cancels or refuses to issue or renew a policy, the affected owner or operator may appeal the insurer's decision to the ((administrator)) director. The ((administrator)) director shall conduct a brief adjudicative proceeding under chapter 34.05 RCW.

Sec. 10. Section 10, chapter 383, Laws of 1989 and RCW 70.148.090 are each amended to read as follows:

(1) The activities and operations of the program are exempt from the provisions and requirements of Title 48 RCW and to the extent of their participation in the program, the activities and operations of the insurer selected by the ((administrator)) director to provide liability insurance coverage to owners and operators of underground storage tanks are exempt from the requirements of Title 48 RCW except for:

- (a) Chapter 48.03 RCW pertaining to examinations;
- (b) RCW 48.05.250 pertaining to annual reports;
- (c) Chapter 48.12 RCW pertaining to assets and liabilities;
- (d) Chapter 48.13 RCW pertaining to investments;
- (e) Chapter 48.30 RCW pertaining to deceptive, false, or fraudulent acts or practices; and
- (f) Chapter 48.92 RCW pertaining to liability risk retention.

(2) To the extent of their participation in the program, the insurer selected by the ((administrator)) director to provide liability insurance coverage to owners and operators of underground storage tanks shall not participate in the Washington insurance guaranty association nor shall the association be liable for coverage provided to owners and operators of underground storage tanks issued in connection with the program.

NEW SECTION. Sec. 11. A new section is added to chapter 70.148 RCW to read as follows:

The director may design the program to cover the costs incurred in determining whether a proposed applicant for pollution insurance under the program meets the underwriting standards of the insurer. In covering such costs the director shall consider the financial resources of the applicant, shall take into consideration the economic impact of the discontinued use of the applicant's storage tank upon the affected community, shall provide coverage within the revenue limits provided under this chapter, and shall limit coverage of such costs to the extent that coverage would be detrimental to providing affordable insurance under the program.

Sec. 12. Section 16, chapter 383, Laws of 1989 and RCW 82.23A.020 are each amended to read as follows:

(1) A tax is imposed on the privilege of possession of petroleum products in this state. The rate of the tax shall be fifty one-hundredths of one percent multiplied by the wholesale value of the petroleum product.

(2) Moneys collected under this chapter shall be deposited in the pollution liability ((reinsurance)) insurance program trust account under RCW 70.148.020.

(3) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

(4) Within thirty days after the end of each calendar quarter the department shall determine the 'quarterly balance,' which shall be the cash balance in the pollution liability ((reinsurance)) insurance program trust account as of the last day of that calendar quarter, after excluding the reserves determined for that quarter under RCW 70.148.020(2). Balance determinations by the department under this section are final and shall not be used to challenge the validity of any tax imposed under this section. For each subsequent calendar quarter, tax shall be imposed under this section during the entire calendar quarter unless:

(a) Tax was imposed under this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than fifteen million dollars; or

(b) Tax was not imposed under this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than seven million five hundred thousand dollars.

NEW SECTION. Sec. 13. Section 11, chapter 383, Laws of 1989 and RCW 70.148.100 are each repealed.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 70.148.005, 70.148.010, 70.148.020, 70.148.030, 70.148.040, 70.148.050, 70.148.060, 70.148.070, 70.148.080, 70.148.090, and 82.23A.020; adding a new section to chapter 70.148 RCW; repealing RCW 70.148.100; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Wang moved that the House do concur in the Senate amendments to Substitute House Bill No. 2609.

Mr. Wang spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of Substitute House Bill No. 2609 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2609 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Yoting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

Substitute House Bill No. 2609 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2706 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the industrial and manufacturing base of the Washington economy has undergone tremendous change during the past two decades. The challenge facing Washington firms is to become as productive and efficient as possible to survive in an increasingly competitive world market. Many of the state's communities are dependent on one or two industries. Many firms are heavily reliant on the defense expenditures of the federal government. It is the intent of the legislature to assist communities in planning for economic change, developing a broader economic base, and preparing for any shift in federal priorities that could cause a reduction in federal expenditures, and assist firms by providing information and technical assistance necessary for them to introduce new products or production processes.

NEW SECTION. Sec. 2. The community diversification program is created in the department of community development. The program shall include:

(1) The monitoring and forecasting of shifts in the economic prospects of major defense employers in the state. This shall include but not be limited to the monitoring of defense contract expenditures, other federal contracts, defense employment shifts, the aircraft and aerospace industry, computer products, and electronics;

(2) The identification of cities, counties, or regions within the state that are primarily dependent on defense or other federal contracting and the identification of firms dependent on federal defense contracts;

(3) Assistance to communities in broadening the local economic base through the provision of management assistance, assistance in financing, entrepreneurial training, and assistance to businesses in using off-the-shelf technology to start new production processes or introduce new products;

(4) Formulating a state plan for diversification in defense dependent communities in collaboration with the employment security department, the department of trade and economic development, and the office of financial management. The plan shall use the information made available through carrying out subsections (1) and (2) of this section; and

(5) The identification of diversification efforts conducted by other states, the federal government, and other nations, and the provision of information on these efforts, as well as information gained through carrying out subsections (1) and (2) of this section, to firms, communities, and workforces that are defense dependent.

The department shall, beginning January 1, 1992, report annually to the governor and the legislature on the activities of the community diversification program.

NEW SECTION. Sec. 3. The advisory council on economic diversification is created to provide advice to the department of community development in carrying out its community diversification program. The governor shall appoint two members from the business community, one of whom shall be a representative of a defense dependent firm; two employee representatives of defense dependent firms, one of whom shall be from a labor union; two members from community organizations active in economic diversification efforts; two members from local governments, from communities dependent on defense expenditures; one member with expertise in economic diversification; one member representing the financial institutions of the state; and one member representing military leadership in the state. Four members of the advisory council shall be from the legislature, one from each political caucus of the senate to be appointed by the president of the senate, and one from each political caucus of the house of representatives to be appointed by the speaker of the house of representatives. The director of the department of community development or the director's designee shall serve as the nonvoting chairperson of the advisory council.

Members of the council other than the chair shall serve for two-year terms. Vacancies shall be filled in the same manner as the original appointments. Members of the council shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and RCW 43.03.060. The department of community development shall assign staff to the council as necessary to carry out the purposes of this chapter.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 5. Sections 2 and 3 of this act are each added to chapter 43.63A RCW.

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. A new section is added to chapter 43.131 RCW to read as follows: The community diversification program and the advisory council on economic diversification shall be terminated on June 30, 1996, as provided in section 8 of this act.

NEW SECTION. Sec. 8. 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 as hereafter amended, are each repealed, effective June 30, 1997:

(1) Section 2, chapter ____, Laws of 1990 and RCW 43.63A.____ (section 2 of this act); and

(2) Section 3, chapter ____, Laws of 1990 and RCW 43.63A.____ (section 3 of this act)."

On page 1, line 2 of the title, after "communities;" strike the remainder of the title and insert "adding new sections to chapter 43.63A RCW; adding new sections to chapter 43.131 RCW; and creating new sections."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Wineberry moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2706. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2706 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2706 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 80; nays, 14; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hargrove, Heavey, Hine, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 80.

Voting nay: Representatives Ballard, Doty, Fuhrman, Hankins, Holland, Kirby, May, McLean, Miller, Nealey, Padden, Schoon, Wolfe, Youngsman - 14.

Excused: Representatives Baugher, Beck, Haugen - 3.

Engrossed Substitute House Bill No. 2706 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2716 with the following amendment:

On page 4, beginning on line 11, strike the remainder of the subsection and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendment to Engrossed House Bill No. 2716.

Ms. R. Fisher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2716 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2716 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; nays, 3; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Fuhrman, McLean, Padden - 3.

Excused: Representatives Baugher, Beck, Haugen - 3.

Engrossed House Bill No. 2716 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2746 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.44 RCW to read as follows:

(1) A person is guilty of enticement when he or she requests, demands, or persuades through the use of false representations, a person who is under sixteen years of age or developmentally disabled to enter a motor vehicle, dwelling, building, or other place for the purpose of sexual contact or gratification.

(2) Enticement is a gross misdemeanor."

On page 1, line 1 of the title, after "enticement;" strike the remainder of the title and insert "adding a new section to chapter 9A.44 RCW; and prescribing penalties." and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House do concur in the Senate amendments to House Bill No. 2746.

Mr. Crane spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of House Bill No. 2746 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2746 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

House Bill No. 2746 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2752 with the following amendment:

On page 1, line 9, after "matter" strike all material down to and including "whatsoever," on line 12

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House do concur in the Senate amendment to Substitute House Bill No. 2752.

Mr. Crane spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of Substitute House Bill No. 2752 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2752 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman,

Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

Substitute House Bill No. 2752 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2809 with the following amendments:

On page 3, line 12, after "(j)" insert "All parties in the room with the child are on camera and can be viewed by all other parties. If viewing all participants is not possible, the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the child.

(k)"

On page 3, line 15, strike "(k)" and insert "(l)" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2809.

Mr. Crane spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2809 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2809 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

Engrossed Substitute House Bill No. 2809 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2861 with the following amendment:

On page 3, line 4, after "development" strike all text through line 11 and insert "as required by this act. The report shall be prepared in consultation with local governments. The report shall include a review of the advantages and disadvantages of transferring other mobile home-related functions to the department of community development and make recommendations based on this review regarding such transfer. The report's review shall include

the inspection functions performed by the department of labor and industries, inspections pertaining to woodstove and fireplace installation and alterations, and training of local inspectors."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Leonard moved that the House do concur in the Senate amendment to Substitute House Bill No. 2861.

Ms. Leonard spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of Substitute House Bill No. 2861 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2861 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

Substitute House Bill No. 2861 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2989 with the following amendment: On page 1, line 7, after "(1)" strike "Each" and insert "After June 30, 1991, each" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendment to House Bill No. 2989.

Ms. R. Fisher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. King presiding) stated the question before the House to be final passage of House Bill No. 2989 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2989 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Baugher, Beck, Haugen - 3.

House Bill No. 2989 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2603 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. It is the purpose of sections 3 and 4 of this act to provide, consistent with appropriated funds, health care access and services to the young citizens in this state. To this end, a children's health program is established based on the following principles:

- (1) Access to preventive and other health care services should be made more readily available for eligible children.
- (2) Unnecessary barriers to health care for children in poverty should be removed.
- (3) The status of children's health and the access to health care providers should be evaluated at appropriate intervals to determine effectiveness and need for modification.
- (4) Health care services should be delivered in a cost-effective manner.
- (5) The program should be sensitive to cultural and ethnic differences among children in poverty.

NEW SECTION, Sec. 2. For the purposes of sections 3 through 6 of this act, (1) 'poverty' means at or below the federal poverty level as annually defined by the federal department of health and human services and adjusted for family size, (2) within sections 4 through 6 of this act, 'committee' means the executive steering committee operating on January 1, 1990, within the department which includes staff from the department of health and which is responsible for implementation of the maternity care access program under chapter 74.09 RCW, and (3) 'county' means a board of county commissioners, county council, county executive, or tribal jurisdiction.

NEW SECTION, Sec. 3. There is hereby established a new program to be known as the children's health program.

To the extent of available funds:

- (1) Medical care may be provided to persons who are under eighteen years of age with household incomes at or below the federal poverty level and not otherwise eligible for medical assistance or the limited casualty program for the medically needy.
- (2) The determination of eligibility of recipients for medical care shall be the responsibility of the department. The application process shall be easy to understand and, to the extent possible, applications shall be made available at local schools. The department shall make eligibility determinations within the timeframes for establishing eligibility for children on medical assistance, as defined by RCW 74.09.510.
- (3) The amount, scope, and duration of medical care provided to eligible children under the children's health program shall be the same as that provided to children under medical assistance, as defined in RCW 74.09.520.

NEW SECTION, Sec. 4. Local communities are encouraged to take actions necessary to make health care more accessible to children in their communities, such as coordinating the development of alternative health care delivery systems. To support communities in their efforts, the committee, in coordination with counties and to the extent funds are available, shall:

- (1) Provide technical assistance to counties to enable them to develop provider resources and expand coordinated provision of health care to children in poverty, and
- (2) recommend that financial incentives be provided within counties requesting assistance according to section 5 of this act.

NEW SECTION, Sec. 5. (1) The committee, in coordination with counties, shall identify counties experiencing significant problems with access to health care for children eligible for services under chapter 74.09 RCW, on indicators such as:

- (a) Number of primary care providers for children eligible for services under chapter 74.09 RCW;
- (b) Percent of children eligible for services under chapter 74.09 RCW;
- (c) Postneonatal mortality rate for low-income children;
- (d) Early and periodic screening, diagnosis, and treatment (EPSDT) utilization;
- (e) Teen birth rate for low-income children; and
- (f) Low birth weight rate for low-income children.

(2) The department shall provide data to each county within the state regarding its performance on the indicators in subsection (1) of this section and notify those counties having a significant problem with access, as defined in this section. The county shall also be advised of the availability of technical and financial assistance from the state in support of local remedial action.

(3) Any county, including those not identified by the committee, wishing to pursue state assistance under this section may submit a request to the committee. The request should include a description of the access problems in their community, a plan for addressing those problems, and a description of how the state's technical or financial assistance will aid them in increasing access to pediatric care for children in poverty. The request for assistance shall be prepared in consultation with the department, local community service offices, the local public health officer, community health clinics, health care providers, hospitals, the business community, labor representatives, and low-income advocates in their area.

(4) Counties are encouraged to combine to fulfill their duties under this section. In doing so, they shall consider the organizational principles set forth in RCW 43.70.020. If after one hundred twenty days' notice by the committee that a significant problem with health care access to children exists within a county, the county has not submitted a preliminary request for assistance according to this section, the committee shall solicit or may receive requests for assistance from any health care provider within that county.

(5) The committee shall evaluate local requests for technical and financial assistance, and shall recommend funding of any or all parts of the requests, using criteria such as:

(a) The number of children proposed to receive expanded access to pediatric health care per dollar expended;

(b) Ability to meet the particular needs of the community as defined in the county request, including responsiveness to the needs of ethnic and racial minorities and addressing language barriers to access; and

(c) Capability to meet stated goals of increasing access to pediatric care.

(6) The department of social and health services shall provide financial assistance, such as grants to counties or disproportionate share payments to providers, to the extent of available funds as recommended in this section. The department of social and health services shall make such changes to the state medical aid plan or take such other action as may be needed to secure federal matching funds for grants under this section.

NEW SECTION. Sec. 6. The committee, in coordination with the department of health, shall reevaluate the state of access to care for children in poverty on at least a biennial basis and shall provide this information, along with information on the implementation of sections 1 through 5 of this act, to the board of health for their consideration for inclusion in the biennial state health report.

Sec. 7. Section 74.09.010, chapter 26, Laws of 1959 as last amended by section 11, chapter 406, Laws of 1987 and RCW 74.09.010 are each amended to read as follows:

As used in this chapter:

(1) 'Department' means the department of social and health services.

(2) 'Secretary' means the secretary of social and health services.

(3) 'Internal management' means the administration of medical assistance, medical care services, the children's health program, and the limited casualty program.

(4) 'Medical assistance' means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

(5) 'Medical care services' means the limited scope of care financed by state funds and provided to general assistance recipients, and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW.

(6) 'Limited casualty program' means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

(7) 'Nursing home' means nursing home as defined in RCW 18.51.010.

(8) 'Children's health program' means the medical care program provided to children under eighteen years of age and in households with incomes at or below the federal poverty level as annually defined by the federal department of health and human services as adjusted for family size, and who are not otherwise eligible for medical assistance or the limited casualty program for the medically needy.

Sec. 8. Section 9, chapter 10, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

The legislature is interested in assessing the effectiveness of the prenatal care program. However, the legislature recognizes the cost and complexity associated with such an assessment.

The legislature accepts the effectiveness of prenatal and maternity care at improving birth outcomes when these services are received by eligible persons. Therefore, the legislature intends to focus scarce assessment resources to determine the extent to which support services such as child care, psychosocial and nutritional assessment and counseling, case management, transportation, and other support services authorized by this act result in receipt of prenatal and maternity care by eligible persons.

The department shall submit its plan and budget for assessing the maternity care access system to the legislative budget committee for review. The legislative budget committee shall monitor the progress of the assessment, and make appropriate recommendations.

The department shall contract with an independent (~~(nonprofit entity)~~) contractor to evaluate the effectiveness of the maternity care access program set forth in RCW 74.09.760 through 74.09.820 based on the principles set forth in RCW 74.09.770. The evaluation shall also address:

- (1) Characteristics of women receiving services, including health risk factors;
- (2) Services utilized by eligible women;
- (3) ~~(Birth outcomes of women receiving services;~~
- ~~(4))~~ Birth outcomes of women receiving services, by type of practitioner;
- ~~((5))~~ (4) Services utilized by eligible infants; and
- ~~((6))~~ (5) Referrals to other programs for services.

The department shall submit an evaluation report to the appropriate committees of the legislature by ~~(December 1, 1990)~~ November 1, 1991.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act are each added to chapter 74.09 RCW.

NEW SECTION. Sec. 10. Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately. The remainder of this act shall take effect July 1, 1990."

On page 1, line 1 of the title, after "health," strike the remainder of the title and insert "amending RCW 74.09.010; amending section 9, chapter 10, Laws of 1989 1st ex. sess. (uncodified); adding new sections to chapter 74.09 RCW; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Braddock moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 2603 and ask the Senate for a conference thereon.

Mr. Brooks spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. King presiding) appointed Representatives Braddock, Vekich and Brooks as conferees on Engrossed Substitute House Bill No. 2603.

The Speaker (Mr. R. King presiding) declared the House to be at ease.

The Speaker (Mr. R. King presiding) called the House to order.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. R. King presiding) referred House Bill No. 2528, House Bill No. 2674, Second Substitute House Bill No. 2951, Substitute Senate Bill No. 6247, Substitute Senate Bill No. 6526, Second Substitute Senate Bill No. 6779, Substitute Senate Bill No. 6792 and Senate Joint Resolution No. 8231 to Committee on Rules.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 6408 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Patterson, Thorsness and Bender, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House grant the request of the Senate for a conference on Senate Bill No. 6408. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. King presiding) appointed Representatives R. Fisher, Cooper and Schmidt as conferees on Senate Bill No. 6408.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 6417 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Sellar, Warnke and Bluechel, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. H. Sommers moved that the House grant the request of the Senate for a conference on Engrossed Substitute Senate Bill No. 6417. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. King presiding) appointed Representatives H. Sommers, Rasmussen and Schoon as conferees on Engrossed Substitute Senate Bill No. 6417.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 6904 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators McCaslin, McMullen and Anderson, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jesernig moved that the House grant the request of the Senate for a conference on Engrossed Senate Bill No. 6904. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. King presiding) appointed Representatives Haugen, Braddock and Horn as conferees on Engrossed Senate Bill No. 6904.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1055,
 SUBSTITUTE HOUSE BILL NO. 1264,
 SUBSTITUTE HOUSE BILL NO. 1394,
 HOUSE BILL NO. 1491,
 HOUSE BILL NO. 1523,
 HOUSE BILL NO. 1571,
 HOUSE BILL NO. 1703,
 HOUSE BILL NO. 1881,
 HOUSE BILL NO. 2032,
 HOUSE BILL NO. 2260,
 HOUSE BILL NO. 2262,
 HOUSE BILL NO. 2265,
 HOUSE BILL NO. 2276,
 HOUSE BILL NO. 2292,
 SUBSTITUTE HOUSE BILL NO. 2293,
 HOUSE BILL NO. 2294,
 HOUSE BILL NO. 2330,
 HOUSE BILL NO. 2335,
 SUBSTITUTE HOUSE BILL NO. 2337,
 HOUSE BILL NO. 2410,
 HOUSE BILL NO. 2842,
 HOUSE BILL NO. 2850,
 HOUSE BILL NO. 2859.

SUBSTITUTE HOUSE BILL NO. 2933,
SUBSTITUTE HOUSE BILL NO. 2956,
HOUSE JOINT RESOLUTION NO. 4203,
HOUSE CONCURRENT RESOLUTION NO. 4432,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

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

MOTION

On motion of Mr. Heavey, the House adjourned until 9:00 a.m., Monday, March 5, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 5, 1990

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Belcher, Braddock, Phillips, Todd and Vekich. On motion of Ms. Cole, Representatives Appelwick, Belcher, Braddock and Phillips were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ted Hunter and Nisa Hendrickson. Prayer was offered by Eva Kiyah Jerry, Member of the Muckleshoot Tribe.

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

MESSAGES FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate has concurred in the House amendment(s) to the following bills:

SENATE BILL NO. 5487,
 THIRD SUBSTITUTE SENATE BILL NO. 5550,
 SENATE BILL NO. 5712,
 SECOND SUBSTITUTE SENATE BILL NO. 5835,
 SECOND SUBSTITUTE SENATE BILL NO. 5845,
 SECOND SUBSTITUTE SENATE BILL NO. 5996,
 SENATE BILL NO. 6172,
 SUBSTITUTE SENATE BILL NO. 6191,
 SUBSTITUTE SENATE BILL NO. 6290,
 SUBSTITUTE SENATE BILL NO. 6377,
 SUBSTITUTE SENATE BILL NO. 6447,
 SUBSTITUTE SENATE BILL NO. 6452,
 SENATE BILL NO. 6464,
 SUBSTITUTE SENATE BILL NO. 6473,
 SENATE BILL NO. 6562.

W. D. Naismith, Assistant Secretary.

March 3, 1990

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6190.

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

March 3, 1990

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929. The President has appointed the following members as conferees: Senators McCaslin, Vognild and Amondson.

W. D. Naismith, Assistant Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 90-4736, by Representatives Winsley and Walker

WHEREAS, The Curtis High School Vikings football team has proven itself to be the best in the state by defeating Kentwood High School 25-0 on December 2, 1989, to win the Washington State AAA High School Football Championship in Kingbowl XIII; and

WHEREAS, It is the first time in the history of Curtis High School that the Vikings football team has won the state championship; and

WHEREAS, During the 1989 football season the Vikings became united in a team effort for its members, its school and its community to win twelve of thirteen games and the state championship; and

WHEREAS, Viking teammate Deron Pointer was named player of the day for Kingbowl XIII for his outstanding effort; and

WHEREAS, Viking coach Bob Lucey has been named Morning News Tribune Co-Coach of the Year and to the National Football Hall of Fame, Pierce County Chapter;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives salute and applaud Head Coach Bob Lucey and the assistant coaches for their guidance of these young athletes; and salute and applaud these student athletes for their determination and achievement; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives hopes that each of these young athletes is able to take this achievement along through life as proof that desire, commitment and the courage to compete are as important in life's other endeavors as they are in athletics; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted to the Curtis High School Vikings football team, the coaches, and to Curtis High School as a record of this recognition by the Washington State House of Representatives.

Ms. Winsley moved adoption of the resolution. Representatives Winsley and Walker spoke in favor of the resolution.

House Floor Resolution No. 90-4736 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1597 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that it may be in the public interest to establish qualifications for geologists and for the practice of professional geological work.

NEW SECTION, Sec. 2. The department of licensing shall conduct an evaluation of the practice of professional geological work and make recommendations to the legislature as to what extent it is in the public interest to regulate the practice of geological work. In conducting the evaluation, the department shall consult and work with geologists, including professional geological organizations directly involved in the practice of geology within the state of Washington. The department's findings and recommendations shall be submitted to the legislature by December 1, 1990.

NEW SECTION, Sec. 3. In the event the department finds that regulation of geological work is in the public interest, the department shall prepare a legislative proposal to implement such recommendation. The proposal may include, but not be limited to, the following items:

(1) Definitions and criteria for qualification and practice as a professional geologist in Washington state;

(2) The composition of a professional geologist board, including provisions for terms of office, rotation of members, and method of appointment;

(3) Powers and responsibilities of the board;

(4) Maintenance of a roster of professional geologists; and

(5) A system of reciprocity with other states.

NEW SECTION, Sec. 4. This act shall expire June 30, 1991.

On page 1, line 1 of the title, after "geology;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Anderson moved that the House do concur in the Senate amendments to Substitute House Bill No. 1597. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1597 as amended by the Senate.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1597 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; absent, 2; excused, 4.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Bennett, Betzoff, Bowman, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Todd, Vekich - 2.

Excused: Representatives Appelwick, Belcher, Braddock, Phillips - 4.

Substitute House Bill No. 1597 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 27, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2296 with the following amendments:

On page 1, line 17, after "means" strike "machines" and insert "machinery consisting of a framework, various fixed and moving parts, driven by an internal combustion engine, and all other implements associated with this machinery that are"

On page 1, line 25, after "services" insert ", but does not include dealers covered by chapter 46.70 or 46.94 RCW"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Cole moved that the House do concur in the Senate amendments to Substitute House Bill No. 2296.

Ms. Cole spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 2296 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2296 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; absent, 2; excused, 4.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Bennett, Betzoff, Bowman, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Todd, Vekich - 2.

Excused: Representatives Appelwick, Belcher, Braddock, Phillips - 4.

Substitute House Bill No. 2296 as amended by the Senate, having received the constitutional majority, was declared passed.

Representative Braddock appeared at the bar of the House.

The Speaker (Mr. O'Brien presiding) called on Representative Wineberry to preside.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2390 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. Section 1, chapter 177, Laws of 1988 and RCW 70.95C.010 are each amended to read as follows:

The legislature finds that land disposal and incineration of solid and hazardous waste can be both harmful to the environment and costly to those who must dispose of the waste. In order to address this problem in the most cost-effective and environmentally sound manner, and to implement the highest waste management priority as articulated in RCW 70.95.010 and 70.105-.150, public and private efforts should focus on reducing the generation of waste. Waste reduction can be achieved by encouraging voluntary efforts to redesign industrial, commercial, production, and other processes to result in the reduction or elimination of waste byproducts and to maximize the in-process reuse or reclamation of valuable spent material.

In the interest of protecting the public health, safety, and the environment, the legislature declares that it is the policy of the state of Washington to encourage reduction in the use of hazardous substances and reduction in the generation of hazardous waste whenever economically and technically practicable.

The legislature finds that hazardous wastes are generated by numerous different sources including, but not limited to, large and small business, households, and state and local government. The legislature further finds that a goal against which efforts at waste reduction may be measured is essential for an effective hazardous waste reduction program. The pacific northwest hazardous waste advisory council has endorsed a goal of reducing, through hazardous substance use reduction and waste reduction techniques, the generation of hazardous waste by fifty percent by 1995. The legislature adopts this as a policy goal for the state of Washington. The legislature recognizes that many individual businesses have already reduced the generation of hazardous waste through appropriate hazardous waste reduction techniques. The legislature also recognizes that there are some basic industrial processes which by their nature have limited potential for significantly reducing the use of certain raw materials or substantially reducing the generation of hazardous wastes. Therefore, the goal of reducing hazardous waste generation by fifty percent cannot be applied as a regulatory requirement.

Sec. 2. Section 2, chapter 177, Laws of 1988 and RCW 70.95C.020 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise (~~the definitions in this section apply throughout this chapter~~).

(1) 'Department' means the department of ecology.
 (2) 'Director' means the director of the department of ecology or the director's designee.
 (3) 'Dangerous waste' shall have the same definition as set forth in RCW 70.105.010(5) and shall specifically include those wastes designated as dangerous by rules adopted pursuant to chapter 70.105 RCW.

(4) 'EPA/state identification number' means the number assigned by the EPA (environmental protection agency) or by the department of ecology to each generator and/or transporter and treatment, storage, and/or disposal facility.

(5) 'Extremely hazardous waste' shall have the same definition as set forth in RCW 70.105.010(6) and shall specifically include those wastes designated as extremely hazardous by rules adopted pursuant to chapter 70.105 RCW.

(6) 'Fee' means the annual hazardous waste fees imposed under sections 12 and 13 of this act.

(7) 'Generate' means any act or process which produces hazardous waste or first causes a hazardous waste to become subject to regulation.

(8) 'Hazardous substance' means any hazardous substance listed as a hazardous substance as of the effective date of this section pursuant to section 313 of Title III of the Superfund Amendments and Reauthorization Act, any other substance determined by the director by rule to present a threat to human health or the environment, and all ozone depleting compounds as defined by the Montreal Protocol of October 1987.

(9) (a) 'Hazardous substance use reduction' means the reduction, avoidance, or elimination of the use or production of hazardous substances without creating substantial new risks to human health or the environment.

(b) 'Hazardous substance use reduction' includes proportionate changes in the usage of hazardous substances as the usage of a hazardous substance or hazardous substances changes as a result of production changes or other business changes.

(10) 'Hazardous substance user' means any facility required to report under section 313 of Title III of the Superfund Amendments and Reauthorization Act, except for those facilities which only distribute or use fertilizers or pesticides intended for commercial agricultural applications.

(11) 'Hazardous waste' means and includes all dangerous and extremely hazardous wastes, but does not include radioactive wastes or a substance composed of both radioactive and hazardous components and does not include any hazardous waste generated as a result of a remedial action under state or federal law.

(12) 'Hazardous waste generator' means any person generating hazardous waste regulated by the department.

(13) 'Office' means the office of waste reduction.

((4)) (14) 'Plan' means the plan provided for in section 6 of this act.

(15) 'Person' means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government, including any agency or officer thereof, and any Indian tribe or authorized tribal organization.

(16) 'Process' means all industrial, commercial, production, and other processes that result in the generation of waste.

((5)) (17) 'Recycled for beneficial use' means the use of hazardous waste, either before or after reclamation, as a substitute for a commercial product or raw material, but does not include: (a) Use constituting disposal; (b) incineration; or (c) use as a fuel.

(18) 'Recycling' means reusing waste materials and extracting valuable materials from a waste stream. Recycling does not include burning for energy recovery.

(19) 'Treatment' means the physical, chemical, or biological processing of waste to render it completely innocuous, produce a recyclable by-product, reduce toxicity, or substantially reduce the volume of material requiring disposal as described in the priorities established in RCW 70.105.150. Treatment does not include incineration.

(20) 'Waste' means any solid waste as defined under RCW 70.95.030, any hazardous waste ((as defined under RCW 70.105.010(15), any hazardous substance as defined under RCW 70.105.010(14)), any air contaminant as defined under RCW 70.94.030, and any organic or inorganic matter that shall cause or tend to cause water pollution as defined under RCW 90.48.020.

((6)) (21) 'Waste generator' means any individual, business, government agency, or any other organization that generates waste.

((7)) (22) 'Waste reduction' means all in-plant practices that reduce, avoid, or eliminate the ((amount or toxicity of waste generated)) generation of wastes or the toxicity of wastes, prior to generation, without creating substantial new risks to human health or the environment. As used in sections 6 through 10 of this 1990 act, 'waste reduction' refers to hazardous waste only.

Sec. 3. Section 3, chapter 177, Laws of 1988 and RCW 70.95C.030 are each amended to read as follows:

(1) There is established in the department an office of waste reduction. The office shall use its authorities to encourage the voluntary reduction of ((waste)) hazardous substance usage and waste generation by waste generators and hazardous substance users. The office shall prepare and submit a quarterly progress report to the director and the director shall submit an annual progress report to the appropriate environmental standing committees of the legislature beginning December 31, 1988.

(2) The office shall be the coordinating center for all state agency programs that provide technical assistance to waste generators and hazardous substance users and shall serve as the state's lead agency and promoter for such programs. In addition to this coordinating function, the office shall encourage hazardous substance use reduction and waste reduction by:

(a) Providing for the rendering of advice and consultation to waste generators and hazardous substance users on hazardous substance use reduction and waste reduction techniques, including assistance in preparation of plans provided for in section 6 of this act;

(b) Sponsoring or co-sponsoring with public or private organizations technical workshops and seminars on waste reduction and hazardous substance use reduction;

(c) Administering a waste reduction and hazardous substance use reduction data base and hotline providing comprehensive referral services to waste generators and hazardous substance users;

(d) Administering a waste reduction and hazardous substance use reduction research and development program;

(e) Coordinating a waste reduction and hazardous substance use reduction public education program that includes the utilization of existing publications from public and private sources, as well as publishing necessary new materials on waste reduction;

(f) Recommending to institutions of higher education in the state courses and curricula in areas related to waste reduction and hazardous substance use reduction; and

(g) ~~(Requiring energy and incineration facilities to retain records of monitoring and operating data for a minimum of ten years after permanent closure of the facility)~~ Operating an intern program in cooperation with institutions of higher education and other outside resources to provide technical assistance on hazardous substance use reduction and waste reduction techniques and to carry out research projects as needed within the office.

NEW SECTION. Sec. 4. A new section is added to chapter 70.95 RCW to read as follows:

The department shall require energy recovery and incineration facilities to retain records of monitoring and operation data for a minimum of ten years after permanent closure of the facility.

Sec. 5. Section 4, chapter 177, Laws of 1988 and RCW 70.95C.040 are each amended to read as follows:

(1) The office shall establish a waste reduction and hazardous substance use reduction consultation program to be coordinated with other state waste reduction and hazardous substance use reduction consultation programs.

(2) The director may grant a request by any waste generator or hazardous substance user for advice and consultation on waste reduction and hazardous substance use reduction techniques and assistance in preparation or modification of a plan, executive summary, or annual progress report, or assistance in the implementation of a plan required by section 6 of this act. Pursuant to a request ~~(the director may visit any)~~ from a facility such as a business, governmental entity, or other process site in the state, the director may visit the facility making the request for the purposes of observing hazardous substance use and the waste-generating process, obtaining information relevant to waste reduction and hazardous substance use reduction, rendering advice, and making recommendations. No such visit may be regarded as an inspection or investigation, and no notices or citations may be issued, or civil penalty be assessed, upon such a visit. (No) A representative of the director (designated to render) providing advisory or consultative services under this section may not have any enforcement authority.

(3) Consultation and advice given under this section shall be limited to the matters specified in the request and shall include specific techniques of waste reduction and hazardous substance use reduction tailored to the relevant process. In granting any request for advisory or consultative services, the director may provide for an alternative means of affording consultation and advice other than on-site consultation.

(4) Any proprietary information obtained by the director while carrying out the duties required under this section shall remain confidential and shall not be publicized or become part of the data base established under RCW 70.95C.060 without written permission of the requesting party.

NEW SECTION. Sec. 6. A new section is added to chapter 70.95C RCW to read as follows:

(1) Each hazardous waste generator who generates more than two thousand six hundred forty pounds of hazardous waste per year and each hazardous substance user, except for those facilities that are primarily permitted treatment, storage, and disposal facilities or recycling facilities, shall prepare a plan for the voluntary reduction of the use of hazardous substances and the generation of hazardous wastes. Hazardous waste generated and recycled for beneficial use, including initial amount of hazardous substances introduced into a process and subsequently recycled for beneficial use, shall not be used in the calculation of hazardous waste generated for purposes of this section. The department may develop reporting requirements, consistent with existing reporting, to establish recycling for beneficial use under this section. A person with multiple interrelated facilities where the processes in the facilities are substantially similar, may prepare a single plan covering one or more of those facilities.

(2) Each user or generator required to write a plan is encouraged to advise its employees of the planning process and solicit comments or suggestions from its employees on hazardous substance use and waste reduction options.

(3) The department shall adopt by April 1, 1991, rules for preparation of plans. The rules shall require the plan to address the following options, according to the following order of priorities: Hazardous substance use reduction, waste reduction, recycling, and treatment. In the planning process, first consideration shall be given to hazardous substance use reduction and waste reduction options. Consideration shall be given next to recycling options. Recycling options may be considered only after hazardous substance use reduction options and waste reduction options have been thoroughly researched and shown to be inappropriate. Treatment options may be considered only after hazardous substance use reduction, waste reduction, and recycling options have been thoroughly researched and shown to be inappropriate. Documentation of the research shall be available to the department upon request. The rules shall also require the plans to discuss the hazardous substance use reduction, waste reduction, and closed loop recycling options separately from other recycling and treatment options. All plans

shall be written in conformance with the format prescribed in the rules adopted under this section. The rules shall require the plans to include, but not be limited to:

(a) A written policy articulating management and corporate support for the plan and a commitment to implementing planned activities and achieving established goals;

(b) The plan scope and objectives;

(c) Analysis of current hazardous substance use and hazardous waste generation, and a description of current hazardous substance use reduction, waste reduction, recycling, and treatment activities;

(d) An identification of further hazardous substance use reduction, waste reduction, recycling, and treatment opportunities, and an analysis of the amount of hazardous substance use reduction and waste reduction that would be achieved, and the costs. The analysis of options shall demonstrate that the priorities provided for in this section have been followed;

(e) A selection of options to be implemented in accordance with the priorities established in this section;

(f) An analysis of impediments to implementing the options. Impediments that shall be considered acceptable include, but are not limited to: Adverse impacts on product quality, legal or contractual obligations, economic practicality, and technical feasibility;

(g) A written policy stating that in implementing the selected options, whenever technically and economically practicable, risks will not be shifted from one part of a process, environmental media, or product to another;

(h) Specific performance goals in each of the following categories, expressed in numeric terms:

(i) Hazardous substances to be reduced or eliminated from use;

(ii) Wastes to be reduced or eliminated through waste reduction techniques;

(iii) Materials or wastes to be recycled; and

(iv) Wastes to be treated;

If the establishment of numeric performance goals is not practicable, the performance goals shall include a clearly stated list of objectives designed to lead to the establishment of numeric goals as soon as is practicable. Goals shall be set for a five-year period from the first reporting date;

(i) A description of how the wastes that are not recycled or treated and the residues from recycling and treatment processes are managed may be included in the plan;

(j) Hazardous substance use and hazardous waste accounting systems that identify hazardous substance use and waste management costs and factor in liability, compliance, and oversight costs;

(k) A financial description of the plan;

(l) Personnel training and employee involvement programs;

(m) A five-year plan implementation schedule;

(n) Documentation of hazardous substance use reduction and waste reduction efforts completed before or in progress at the time of the first reporting date; and

(o) An executive summary of the plan, which shall include, but not be limited to:

(i) The information required by (c), (e), (h), and (n) of this subsection; and

(ii) A summary of the information required by (d) and (f) of this subsection.

(4) Upon completion of a plan, the owner, chief executive officer, or other person with the authority to commit management to the plan shall sign and submit an executive summary of the plan to the department.

(5) Plans shall be completed and executive summaries submitted in accordance with the following schedule:

(a) Hazardous waste generators who generated more than fifty thousand pounds of hazardous waste in calendar year 1991 and hazardous substance users who were required to report in 1991, by September 1, 1992;

(b) Hazardous waste generators who generated between seven thousand and fifty thousand pounds of hazardous waste in calendar year 1992 and hazardous substance users who were required to report for the first time in 1992, by September 1, 1993;

(c) Hazardous waste generators who generated between two thousand six hundred forty and seven thousand pounds of hazardous waste in 1993 and hazardous substance users who were required to report for the first time in 1993, by September 1, 1994;

(d) Hazardous waste generators who have not been required to complete a plan on or prior to September 1, 1994, must complete a plan by September 1 of the year following the first year that they generate more than two thousand six hundred forty pounds of hazardous waste; and

(e) Hazardous substance users who have not been required to complete a plan on or prior to September 1, 1994, must complete a plan by September 1 of the year following the first year that they are required to report under Section 313 of Title III of the Superfund Amendments and Reauthorization Act.

(6) Annual progress reports, including a description of the progress made toward achieving the specific performance goals established in the plan, shall be prepared and submitted to the department in accordance with rules developed under this section. Upon the request of two

or more users or generators belonging to similar industrial classifications, the department may aggregate data contained in their annual progress reports for the purpose of developing a public record.

(7) Every five years, each plan shall be updated, and a new executive summary shall be submitted to the department.

NEW SECTION. Sec. 7. A new section is added to chapter 70.95C RCW to read as follows:

A person required to prepare a plan under section 6 of this act because of the quantity of hazardous waste generated may petition the director to be excused from this requirement. The person must demonstrate to the satisfaction of the director that the quantity of hazardous waste generated was due to unique circumstances not likely to be repeated and that the person is unlikely to generate sufficient hazardous waste to require a plan in the next five years.

NEW SECTION. Sec. 8. A new section is added to chapter 70.95C RCW to read as follows:

(1) The department may review a plan, executive summary, or an annual progress report to determine whether the plan, executive summary, or annual progress report is adequate pursuant to the rules developed under this section and with the provisions of section 6 of this act. In determining the adequacy of any plan, executive summary, or annual progress report, the department shall base its determination solely on whether the plan, executive summary, or annual progress report is complete and prepared in accordance with the provisions of section 6 of this act.

(2) Plans developed under section 6 of this act shall be retained at the facility of the hazardous substance user or hazardous waste generator preparing a plan. The plan is not a public record under the public disclosure laws of the state of Washington contained in chapter 42.17 RCW. A user or generator required to prepare a plan shall permit the director or a representative of the director to review the plan to determine its adequacy. No visit made by the director or a representative of the director to a facility for the purposes of this subsection may be regarded as an inspection or investigation, and no notices or citations may be issued, nor any civil penalty assessed, upon such a visit.

(3) If a hazardous substance user or hazardous waste generator fails to complete an adequate plan, executive summary, or annual progress report, the department shall notify the user or generator of the inadequacy, identifying specific deficiencies. For the purposes of this section, a deficiency may include failure to develop a plan, failure to submit an executive summary pursuant to the schedule provided in section 6(5) of this act, and failure to submit an annual progress report pursuant to the rules developed under section 6(6) of this act. The department shall specify a reasonable time frame, of not less than ninety days, within which the user or generator shall complete a modified plan, executive summary, or annual progress report addressing the specified deficiencies.

(4) If the department determines that a modified plan, executive summary, or annual progress report is inadequate, the department may, within its discretion, either require further modification or enter an order pursuant to subsection (5)(a) of this section.

(5)(a) If, after having received a list of specified deficiencies from the department, a hazardous substance user or hazardous waste generator required to prepare a plan fails to complete modification of a plan, executive summary, or annual progress report within the time period specified by the department, the department may enter an order pursuant to chapter 34.05 RCW finding the user or generator not in compliance with the requirements of section 6 of this act. When the order is final, the department shall notify the department of revenue to charge a penalty fee. The penalty fee shall be the greater of one thousand dollars or three times the amount of the user's or generator's previous year's fee, in addition to the current year's fee. If no fee was assessed the previous year, the penalty shall be the greater of one thousand dollars or three times the amount of the current year's fee. The penalty assessed under this subsection shall be collected each year after the year for which the penalty was assessed until an adequate plan or executive summary is completed.

(b) If a hazardous substance user or hazardous waste generator required to prepare a plan fails to complete an adequate plan, executive summary, or annual progress report after the department has levied against the user or generator the penalty provided in (a) of this subsection, the user or generator shall be required to pay a surcharge to the department whenever the user or generator disposes of a hazardous waste at any hazardous waste incinerator or hazardous waste landfill facility located in Washington state, until a plan, executive summary, or annual progress report is completed and determined to be adequate by the department. The surcharge shall be equal to three times the fee charged for disposal. The department shall furnish the incinerator and landfill facilities in this state with a list of environmental protection agency/state identification numbers of the hazardous waste generators that are not in compliance with the requirements of section 6 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 70.95C RCW to read as follows:

A user or generator may appeal from a department order or a surcharge under section 8 of this act to the pollution control hearings board pursuant to chapter 43.21B RCW.

NEW SECTION. Sec. 10. A new section is added to chapter 70.95C RCW to read as follows:

(1) The department shall make available for public inspection any executive summary or annual progress report submitted to the department. Any hazardous substance user or hazardous waste generator required to prepare an executive summary or annual progress report who believes that disclosure of any information contained in the executive summary or annual progress report may adversely affect the competitive position of the user or generator may request the department pursuant to RCW 43.21A.160 to delete from the public record those portions of the executive summary or annual progress report that may affect the user's or generator's competitive position. The department shall not disclose any information contained in an executive summary or annual progress report pending a determination of whether the department will delete any information contained in the report from the public record.

(2) Any ten persons residing within ten miles of a hazardous substance user or hazardous waste generator required to prepare a plan may file with the department a petition requesting the department to examine a plan to determine its adequacy. The department shall report its determination of adequacy to the petitioners and to the user or generator within a reasonable time. The department may deny a petition if the department has within the previous year determined the plan of the user or generator named in the petition to be adequate.

(3) The department shall maintain a record of each plan, executive summary, or annual progress report it reviews, and a list of all plans, executive summaries, or annual progress reports the department has determined to be inadequate, including descriptions of corrective actions taken. This information shall be made available to the public.

NEW SECTION. Sec. 11. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) 'Dangerous waste' shall have the same definition as set forth in RCW 70.105.010(5) and shall include those wastes designated as dangerous by rules adopted pursuant to chapter 70.105 RCW.

(2) 'Department' means the department of ecology.

(3) 'EPA/state identification number' means the number assigned by the EPA (environmental protection agency) or by the department of ecology to each generator and/or transporter and treatment, storage, and/or disposal facility.

(4) 'Extremely hazardous waste' shall have the same definition as set forth in RCW 70.105.010(6) and shall specifically include those wastes designated as extremely hazardous by rules adopted pursuant to chapter 70.105 RCW.

(5) 'Fee' means the annual fees imposed under this chapter.

(6) 'Generate' means any act or process which produces hazardous waste or first causes a hazardous waste to become subject to regulation.

(7) 'Hazardous waste' means and includes all dangerous and extremely hazardous wastes but for the purposes of this chapter excludes all radioactive wastes or substances composed of both radioactive and hazardous components.

(8) 'Known generators' means persons that have notified the department, have received an EPA/state identification number and generate quantities of hazardous wastes regulated under chapter 70.105 RCW.

(9) 'Person' means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government including any agency or officer thereof, and any Indian tribe or authorized tribal organization.

(10) 'Potential generators' means all persons whose primary business activities are identified by the department to be likely to generate any quantity of hazardous wastes.

(11) 'Price deflator' means the United States department of commerce bureau of economic analysis, 'Implicit Price Deflator for Gross National Product' for 'Government Purchases of Goods and Services,' for 'State and Local Government.'

(12) 'Recycled for beneficial use' means the use of hazardous waste, either before or after reclamation, as a substitute for a commercial product or raw material, but does not include: (a) Use constituting disposal; (b) incineration; or (c) use as a fuel.

(13) 'Waste generation site' means any geographical area that has been assigned an EPA/state identification number.

NEW SECTION. Sec. 12. A fee is imposed for the privilege of generating or potentially generating hazardous waste in the state. The annual amount of the fee shall be thirty-five dollars upon every known generator or potential generator doing business in Washington in the current calendar year or any part thereof. This fee shall be collected by the department of revenue. A potential generator shall be exempt from the fee imposed under this section if the potential generator is entitled to the exemption in RCW 82.04.300 in the current calendar year. The department shall, subject to appropriation, use the funds collected from the fees assessed in this subsection to support the activities of the office of waste reduction as specified in RCW 70.95C.030. The fee imposed pursuant to this section shall be first due on July 31, 1990, for any generator or potential generator operating in Washington from the effective date of this act to December 31, 1990, or any part thereof.

NEW SECTION. Sec. 13. (1) Hazardous waste generators and hazardous substance users required to prepare plans under section 6 of this act shall pay an additional fee to support

implementation of section 6 of this act and RCW 70.95C.040. These fees are to be used by the department, subject to appropriation, for plan review, technical assistance to facilities that are required to prepare plans, other activities related to plan development and implementation, and associated indirect costs. The total fees collected under this subsection shall not exceed the department's costs of implementing section 6 of this act and RCW 70.95C.040 and shall not exceed one million dollars per year. The annual fee for a facility shall not exceed ten thousand dollars per year. Any facility that generates less than two thousand six hundred forty pounds of hazardous waste per waste generation site in the previous calendar year shall be exempt from the fee imposed by this section. The annual fee for a facility generating at least two thousand six hundred forty pounds but not more than four thousand pounds of hazardous waste per waste generation site in the previous calendar year shall not exceed fifty dollars. A person that develops a plan covering more than one interrelated facility as provided for in section 6 of this act shall be assessed fees only for the number of plans prepared. The department shall adopt a fee schedule by rule after consultation with typical affected businesses and other interested parties. Hazardous waste generated and recycled for beneficial use, including initial amount of hazardous substances introduced into a process and subsequently recycled for beneficial use, shall not be used in the calculations of hazardous waste generated for purposes of this section.

(2) Fees imposed by this section shall be first due on July 1, 1991, for facilities that are required to prepare plans in 1992, on July 1, 1992, for facilities that are required to prepare plans in 1993, and on July 1, 1993, for facilities that are required to prepare plans in 1994.

NEW SECTION. Sec. 14. On an annual basis, the department shall adjust the fees provided for in sections 12 and 13 of this act, including the maximum annual fee, and maximum total fees, by conducting the calculation in subsection (1) of this section and taking the actions set forth in subsection (2) of this section:

(1) In November of each year, the fees, annual fee, and maximum total fees imposed in sections 12 and 13 of this act, or as subsequently adjusted by this section, shall be multiplied by a factor equal to the most current quarterly 'price deflator' available, divided by the 'price deflator' used in the numerator the previous year. However, the 'price deflator' used in the denominator for the first adjustment shall be defined by the second quarter 'price deflator' for 1990.

(2) Each year by March 1 the fee schedule, as adjusted in subsection (1) of this section will be published. The department will round the published fees to the nearest dollar.

NEW SECTION. Sec. 15. In administration of this chapter for the enforcement and collection of the fees due and owing under this chapter, the department of revenue is authorized to apply the provisions of chapter 82.32 RCW, except that the provisions of RCW 82.32.050 and 82.32.090 shall not apply.

NEW SECTION. Sec. 16. If a known or potential generator fails to pay all or any part of a fee imposed under this chapter, the department of revenue shall charge a penalty of three times the amount of the unpaid fee. The department of revenue shall waive any penalty in accordance with RCW 82.32.105.

NEW SECTION. Sec. 17. The legislative budget committee in 1994 shall review the fees provided for in chapter 70.____ (sections 11 through 20 of this act) and report its findings to the legislature not later than July 1, 1995.

NEW SECTION. Sec. 18. The hazardous waste assistance account is hereby created in the state treasury. The following moneys shall be deposited into the hazardous waste assistance account:

(1) Those revenues which are raised by the fees imposed under sections 12 and 13 of this act;

(2) Penalties and surcharges collected under chapter 70.95C RCW and this chapter; and

(3) Any other moneys appropriated or transferred to the account by the legislature. All earnings from investment of balances in the hazardous waste assistance account, except as provided in RCW 43.84.090, shall be credited to the hazardous waste assistance account. Moneys in the hazardous waste assistance account may be spent only for the purposes of this chapter following legislative appropriation.

NEW SECTION. Sec. 19. The department may use funds in the hazardous waste assistance account to provide technical assistance and compliance education assistance to hazardous substance users and waste generators, to provide grants to local governments, and for administration of this chapter. The department of revenue shall be appropriated a percentage amount of the total fees collected, not to exceed two percent of the total fees collected, for administration and collection expenses incurred by the department of revenue.

Technical assistance may include the activities authorized under chapter 70.95C RCW and RCW 70.105.170 to encourage hazardous waste reduction and hazardous use reduction and the assistance provided for by RCW 70.105.100(2).

Compliance education may include the activities authorized under RCW 70.105.100(2) to train local agency officials and to inform hazardous substance users and hazardous waste generators and owners and operators of hazardous waste management facilities of the requirements of chapter 70.105 RCW and related federal laws and regulations.

Grants to local governments shall be used for small quantity generator technical assistance and compliance education components of their moderate risk waste plans as required by RCW 70.105.220.

NEW SECTION. Sec. 20. Nothing in this chapter relates to radioactive wastes or substances composed of both radioactive and hazardous components, and the department is precluded from using the funds of the hazardous waste assistance account for the regulation and control of such wastes.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.010;
 (2) Section 2, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.020;
 (3) Section 3, chapter 65, Laws of 1983 1st ex. sess., section 129, chapter 7, Laws of 1985 and RCW 70.105A.030;

(4) Section 4, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.040;

(5) Section 5, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.050;

(6) Section 6, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.060;

(7) Section 7, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.070;

(8) Section 8, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.080;

(9) Section 13, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.090;

(10) Section 9, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.900; and

(11) Section 15, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.905.

NEW SECTION. Sec. 22. Sections 11 through 20 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "waste," strike the remainder of the title and insert "amending RCW 70.95C.010, 70.95C.020, 70.95C.030, and 70.95C.040; adding a new section to chapter 70.95 RCW; adding new sections to chapter 70.95C RCW; adding a new chapter to Title 70 RCW; repealing RCW 70.105A.010, 70.105A.020, 70.105A.030, 70.105A.040, 70.105A.050, 70.105A.060, 70.105A.070, 70.105A.080, 70.105A.090, 70.105A.900, and 70.105A.905; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2390.

Ms. Rust spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. Wineberry presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2390 as amended by the Senate.

Representatives Rust and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2390 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 3.

Voling yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Todd, Vekich - 2.

Excused: Representatives Appelwick, Belcher, Phillips - 3.

Engrossed Substitute House Bill No. 2390 as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Mr. Wineberry presiding) called on Representative Prentice to preside.

SENATE AMENDMENT TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2463 with the following amendment:

On page 1, beginning on line 27, after "used" strike " , and that does not request the names or addresses of more than fifty vehicle owners" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Anderson moved that the House do concur in the Senate amendment to Substitute House Bill No. 2463. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Ms. Prentice presiding) stated the question before the House to be final passage of Substitute House Bill No. 2463 as amended by the Senate.

Mr. Anderson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2463 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 3.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Rafter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Todd, Vekich - 2.

Excused: Representatives Appelwick, Belcher, Phillips - 3.

Substitute House Bill No. 2463 as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Ms. Prentice presiding) called on Representative Jones to preside.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2525 with the following amendments:

On page 1, line 22, after "except" insert "that"

On page 1, line 24, after "company" insert "the commission may regulate the radio communication service of that company"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Nelson moved that the House do concur in the Senate amendments to House Bill No. 2525.

Representatives Nelson and Miller spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. Jones presiding) stated the question before the House to be final passage of House Bill No. 2525 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2525 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 3.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Todd, Vekich - 2.

Excused: Representatives Appelwick, Belcher, Phillips - 3.

House Bill No. 2525 as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Mr. Jones presiding) called on Representative Rasmussen to preside.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2526 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 7, chapter 450, Laws of 1985 and RCW 80.36.350 are each amended to read as follows:

Each telecommunications company not operating under tariff in Washington on January 1, 1985, shall register with the commission before beginning operations in this state. The registration shall be on a form prescribed by the commission and shall contain such information as the commission may by rule require, but shall include as a minimum the name and address of the company; the name and address of its registered agent, if any; the name, address, and title of each officer or director; its most current balance sheet; its latest annual report, if any; and a description of the telecommunications services it offers or intends to offer.

The commission may require as a precondition to registration the procurement of a performance bond sufficient to cover any advances or deposits the telecommunications company may collect from its customers, or order that such advances or deposits be held in escrow or trust.

The commission may deny registration to any telecommunications company which:

- (1) Does not provide the information required by this section;
- (2) Fails to provide a performance bond, if required;
- (3) Does not possess adequate financial resources to provide the proposed service; or
- (4) Does not possess adequate technical competency to provide the proposed service.

The commission shall take action to approve or issue a notice of hearing concerning any application for registration within thirty days after receiving the application. The commission may approve an application with or without a hearing. The commission may deny an application after a hearing.

A telecommunications company may also submit a petition for competitive classification under RCW 80.36.310 at the time it applies for registration. The commission may act on the registration application and the competitive classification petition at the same time.

NEW SECTION. Sec. 2. A new section is added to chapter 80.36 RCW to read as follows:

All alternate operator service companies providing services within the state shall register with the commission as a telecommunications company before providing alternate operator services. The commission may deny an application for registration of an alternate operator services company if, after a hearing, it finds that the services and charges to be offered by the company are not for the public convenience and advantage. The commission may suspend the registration of an alternate operator services company if, after a hearing, it finds that the company does not meet the service or disclosure requirements of the commission. Any alternate operator services company that provides service without being properly registered with the commission shall be subject to a penalty of not less than five hundred dollars and not more than one thousand dollars for each and every offense. In case of a continuing offense, every day's continuance shall be a separate offense. The penalty shall be recovered in an action as provided in RCW 80.04.400.

NEW SECTION. Sec. 3. A new section is added to chapter 80.36 RCW to read as follows:

The commission may adopt rules that provide for minimum service levels for telecommunications companies providing alternate operator services. The rules may provide a means for

suspending the registration of a company providing alternate operator services if the company fails to meet minimum service levels or if the company fails to provide appropriate disclosure to consumers of the protection afforded under this chapter.

Sec. 4. Section 3, chapter 91, Laws of 1988 and RCW 80.36.530 are each amended to read as follows:

In addition to the penalties provided in this title, a violation of RCW 80.36.510 ((or)), 80.36.520, or section 3 of this act constitutes ((a)) an unfair or deceptive act in trade or commerce in violation of chapter 19.86 RCW, the consumer protection act. Acts in violation of RCW 80.36.510, 80.36.520, or section 3 of this act are not reasonable in relation to the development and preservation of business, and constitute matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. It shall be presumed that damages to the consumer are equal to the cost of the service provided plus two hundred dollars. Additional damages must be proved."

On page 1, line 1 of the title, after "companies;" strike the remainder of the title and insert "amending RCW 80.36.350 and 80.36.530; adding new sections to chapter 80.36 RCW; and prescribing penalties."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Nelson moved that the House do concur in the Senate amendments to House Bill No. 2526.

Representatives Nelson and Hankins spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Ms. Rasmussen presiding) stated the question before the House to be final passage of House Bill No. 2526 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2526 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 3.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Todd, Vekich - 2.

Excused: Representatives Appelwick, Belcher, Phillips - 3.

House Bill No. 2526 as amended by the Senate, having received the constitutional majority, was declared passed.

Representative Appelwick appeared at the bar of the House.

The Speaker (Ms. Rasmussen presiding) called on Representative O'Brien to preside.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2655 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The provisions of this act which repeal the reporting requirements established by chapter 423, Laws of 1987 for registered lobbyists and employers of lobbyists are not intended to alter, expand, or restrict whatsoever the definition of 'lobby' or 'lobbying' contained in RCW 42.17.020 as it existed prior to the enactment of chapter 423, Laws of 1987.

Sec. 2. Section 2, chapter 1, Laws of 1973 as last amended by section 89, chapter 175, Laws of 1989 and by section 1, chapter 280, Laws of 1989 and RCW 42.17.020 are each reenacted and 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) 'Depository' means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) 'Treasurer' and 'deputy 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 personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. Volunteer services, for the purposes of this chapter, means services or labor for which the individual is not compensated by any person. 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.

(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 Act, chapter 34.05 RCW. Neither 'lobby' nor 'lobbying' includes an association's or other organization's act of communicating with the members of that association or organization.

(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) 'Public office' means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(26) '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) '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) '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 or 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.

Sec. 3. Section 17, chapter 1, Laws of 1973 as last amended by section 90, chapter 175, Laws of 1989 and RCW 42.17.170 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by the lobbyist. The reports shall be made in the form and manner prescribed by the commission. They shall be due monthly and shall be filed within fifteen days after the last day of the calendar month covered by the report.

(2) Each such monthly periodic report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report. ~~((As used in this section, 'lobbying activities' includes, but is not limited to, the development of legislation or rules, the development of support for or opposition to legislation or rules, and attempts to influence the development of legislation or rules.))~~ Such totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other

expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

Notwithstanding the foregoing, lobbyists are not required to report the following:

(i) Unreimbursed personal living and travel expenses not incurred directly for lobbying;
 (ii) Any expenses incurred for his or her own living accommodations;
 (iii) Any expenses incurred for his or her own travel to and from hearings of the legislature;
 (iv) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule-making under chapter 34.05 RCW, the state Administrative Procedure Act, and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period.

(e) Such other information relevant to lobbying activities as the commission shall by rule prescribe. Information supporting such activities as are required to be reported is subject to audit by the commission.

Sec. 4. Section 18, chapter 1, Laws of 1973 as last amended by section 2, chapter 423, Laws of 1987 and RCW 42.17.180 are each amended to read as follows:

(1) Every employer of a lobbyist registered under this chapter during the preceding calendar year shall file with the commission on or before March 31st of each year a statement disclosing for the preceding calendar year the following information:

((1)) (a) The name of each state elected official and the name of each candidate for state office who was elected to the office and any member of the immediate family of those persons to whom the employer has paid any compensation in the amount of five hundred dollars or more during the preceding calendar year for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union, or other entity in which the person holds any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more, the value of the compensation in accordance with the reporting provisions set out in RCW 42.17.241(2), and the consideration given or performed in exchange for the compensation.

((2)) (b) The name of each state elected official, successful candidate for state office, or members of his immediate family to whom the lobbyist employer made expenditures, directly or indirectly, either through a lobbyist or otherwise, the amount of the expenditures and the purpose for the expenditures. For the purposes of this subsection, the term expenditure shall not include any expenditure made by the employer in the ordinary course of business if the expenditure is not made for the purpose of influencing, honoring, or benefitting the elected official, successful candidate, or member of his immediate family, as an elected official or candidate.

((3)) (c) The total expenditures made by the employer for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise. ~~((For the purposes of this subsection: 'lobbying purposes' includes, but is not limited to, the development of legislation or rules, the development of support for or opposition to legislation or rules, and attempts to influence the development of legislation or rules.~~

((4)) (d) All contributions made to a candidate for state office, to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a state-wide ballot proposition. Such contributions shall be identified by the name and the address of the recipient and the aggregate amount contributed to each such recipient.

((5)) (e) The name and address of each registered lobbyist employed by the employer and the total expenditures made by the employer for each such lobbyist for lobbying purposes. ~~((As used in this subsection, 'lobbying purposes' includes, but is not limited to, the development of legislation or rules, the development of support for or opposition to legislation or rules, and attempts to influence the development of legislation or rules.~~

((6)) (f) Such other information as the commission prescribes by rule.

(2) (a) Except as provided in (b) of this subsection, an employer of a lobbyist registered under this chapter shall file a special report with the commission if the employer makes a contribution or contributions aggregating more than one hundred dollars in a calendar month to any one of the following: A candidate, elected official, officer or employee of an agency, or political committee. The report shall identify the date and amount of each such contribution and the name of the candidate, elected official, agency officer or employee, or political committee receiving the contribution or to be benefited by the contribution. The report shall be filed on a form prescribed by the commission and shall be filed within fifteen days after the last day of the calendar month during which the contribution was made.

(b) The provisions of (a) of this subsection do not apply to a contribution which is made through a registered lobbyist and reportable under RCW 42.17.170.

Sec. 5. Section 20, chapter 1, Laws of 1973 as amended by section 10, chapter 367, Laws of 1985 and RCW 42.17.200 are each amended to read as follows:

(1) Any person who has made expenditures, not reported (~~under other sections of this chapter~~) by a registered lobbyist under RCW 42.17.170 or by a candidate or political committee under RCW 42.17.065 or 42.17.080, exceeding five hundred dollars in the aggregate within any three-month period or exceeding two hundred dollars in the aggregate within any one-month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation shall be required to register and report, as provided in subsection (2) of this section, as a sponsor of a grass roots lobbying campaign.

(2) Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the commission a registration statement, in such detail as the commission shall prescribe, showing:

(a) The sponsor's name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses, and titles of the controlling persons responsible for managing the sponsor's affairs;

(b) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons;

(c) The names and addresses of each person contributing twenty-five dollars or more to the campaign, and the aggregate amount contributed;

(d) The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals that are the subject matter of the campaign;

(e) The totals of all expenditures made or incurred to date on behalf of the campaign, which totals shall be segregated according to financial category, including but not limited to the following: Advertising, segregated by media, and in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission, which reports shall be filed by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report, which notice shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement."

On page 1, line 1 of the title, after "law," strike the remainder of the title and insert "amending RCW 42.17.170, 42.17.180, and 42.17.200; reenacting and amending RCW 42.17.020; and creating a new section."

and the same is herewith transmitted.

V. D. Naismith, Assistant Secretary.

MOTION

Mr. Anderson moved that the House do concur in the Senate amendments to Engrossed House Bill No. 2655. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2655 as amended by the Senate.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2655 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Todd, Vekich - 2.

Excused: Representatives Belcher, Phillips - 2.

Engrossed House Bill No. 2655 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2832 with the following amendment:

On page 10, after line 34, strike all material through "section, a" on page 11, line 5 and insert "~~((1) Any person violating the provisions of this chapter or rules adopted hereunder is guilty of a misdemeanor and guilty of a gross misdemeanor for any subsequent offense, however, any offense committed more than five years after a previous conviction shall be considered a first offense.~~

(2) in lieu of any other penalty imposed under this section.)) A"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rayburn moved that the House do concur in the Senate amendment to Engrossed House Bill No. 2832.

Ms. Rayburn spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2832 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2832 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Todd, Vekich - 2.

Excused: Representatives Belcher, Phillips - 2.

Engrossed House Bill No. 2832 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that some properties are being contaminated by hazardous chemicals used in unsafe or illegal ways in the manufacture of illegal drugs. Innocent members of the public may be harmed by the residue left by these chemicals when the properties are subsequently rented or sold without having been decontaminated.

NEW SECTION. Sec. 2. The words and phrases defined in this section shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

(1) 'Authorized contractor' means a person who decontaminates, demolishes, or disposes of contaminated property as required by this act who is: (a) Certified by the department as provided for in section 7 of this act, or (b) until January 1, 1991, listed with the department as provided for in section 8 of this act.

(2) 'Contaminated' or 'contamination' means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards. Property that at one time was contaminated but has been satisfactorily decontaminated according to procedures established by the state board of health is not 'contaminated.'

(3) 'Hazardous chemicals' means the following substances used in the manufacture of illegal drugs: (a) Hazardous substances as defined in RCW 70.105D.020, and (b) precursor substances as defined in RCW 69.43.010 which the state board of health, in consultation with the state board of pharmacy, has determined present an immediate or long-term health hazard to humans.

(4) 'Officer' means a local health officer authorized under chapters 70.05, 70.08, and 70.46 RCW.

(5) 'Property' means any property, site, structure, or part of a structure which is involved in the unauthorized manufacture or storage of hazardous chemicals. This includes but is not limited to single-family residences, units of multiplexes, condominiums, apartment buildings, boats, motor vehicles, trailers, manufactured housing, or any shop, booth, or garden.

NEW SECTION. Sec. 3. Whenever a law enforcement agency becomes aware that property has been contaminated by hazardous chemicals, that agency shall report the contamination to the local health officer. The local health officer shall cause a posting of a notice on the premises immediately upon being notified of the contamination and shall cause an inspection to be done on the property within fourteen days after receiving the notice of contamination. If a property owner believes that a tenant has contaminated property that was being leased or rented, and the property is vacated or abandoned, then the property owner shall contact the local health officer about the possible contamination. Local health officers or boards may charge reasonable fees for inspections of property requested by property owners.

If property is determined to be contaminated, then the local health officer shall cause a posting of a notice on the premises. A local health officer may enter, inspect, and survey at reasonable times any properties for which there are reasonable grounds to believe that the property has become contaminated.

Local health officers must report all cases of contaminated property to the state department of health. The department may make the list of contaminated properties available to health associations, landlord and realtor organizations, prosecutors, and other interested groups. The department shall promptly update the list of contaminated properties to remove those which have been decontaminated according to provisions of this chapter.

NEW SECTION. Sec. 4. If after the inspection of the property, the local health officer finds that it is contaminated, then the property shall be found unfit for use. The local health officer shall cause to be served either personally or by certified mail, with return receipt requested, upon all occupants and persons having any interest therein as shown upon the records of the auditor's office of the county in which such property is located, and shall post in a conspicuous place on the property, an order prohibiting use. If the whereabouts of such persons is unknown and the same cannot be ascertained by the local health officer in the exercise of reasonable diligence, and the health officer makes an affidavit to that effect, then the serving of the order upon such persons may be made either by personal service or by mailing a copy of the order by certified mail, postage prepaid, return receipt requested, to each person at the address appearing on the last equalized tax assessment roll of the county where the property is located or at the address known to the county assessor, and the order shall be posted conspicuously at the residence. A copy of the order shall also be mailed, addressed to each person or party having a recorded right, title, estate, lien, or interest in the property. Such order shall contain a notice that a hearing before the local health board or officer shall be held upon the request of a person required to be notified of the order under this section. The request for a hearing must be made within ten days of serving the order. The hearing shall then be held within not less

than twenty days nor more than thirty days after the serving of the order. The officer shall prohibit use as long as the property is found to be contaminated. A copy of the order shall also be filed with the auditor of the county in which the property is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law. In any hearing concerning whether property is fit for use, the property owner has the burden of showing that the property is decontaminated or fit for use. The owner or any person having an interest in the property may file an appeal on any order issued by the local health board or officer within thirty days from the date of service of the order with the appeals commission established pursuant to RCW 35.80.030. All proceedings before the appeals commission, including any subsequent appeals to superior court, shall be governed by the procedures established in chapter 35.80 RCW.

NEW SECTION. Sec. 5. The city or county in which the contaminated property is located may take action to condemn or demolish property or to require the property be vacated or the contents removed from the property. The city or county must use an authorized contractor if property is demolished or removed under this section. No city or county may condemn or demolish property pursuant to this section until all procedures granting the right of notice and the opportunity to appeal in section 4 of this act have been exhausted.

NEW SECTION. Sec. 6. An owner of contaminated property who desires to have the property decontaminated must use the services of an authorized contractor to decontaminate the property. The contractor shall prepare and submit a written work plan for decontamination to the local health officer. The local health officer may charge a reasonable fee for review of the work plan. If the work plan is approved and the decontamination is completed and the property is retested according to the plan and properly documented, then the health officer shall allow reuse of the property. A notice shall be recorded in the real property records if applicable, indicating the property has been decontaminated in accordance with rules of the state department of health.

NEW SECTION. Sec. 7. (1) After January 1, 1991, a contractor may not perform decontamination, demolition, or disposal work unless issued a certificate by the state department of health. The department shall establish performance standards for contractors by rule in accordance with chapter 34.05 RCW, the administrative procedure act. The department shall train and test, or may approve courses to train and test, contractors and their employees on the essential elements in assessing property used as an illegal drug manufacturing or storage site to determine hazard reduction measures needed, techniques for adequately reducing contaminants, use of personal protective equipment, methods for proper demolition, removal, and disposal of contaminated property, and relevant federal and state regulations. Upon successful completion of the training, the contractor or employee shall be certified.

(2) The department may require the successful completion of annual refresher courses provided or approved by the department for the continued certification of the contractor or employee.

(3) The department shall provide for reciprocal certification of any individual trained to engage in decontamination, demolition, or disposal work in another state when the prior training is shown to be substantially similar to the training required by the department. The department may require such individuals to take an examination or refresher course before certification.

(4) The department may deny, suspend, or revoke a certificate for failure to comply with the requirements of this chapter or any rule adopted pursuant to this chapter. A certificate may be denied, suspended, or revoked on any of the following grounds:

(a) Failing to perform decontamination, demolition, or disposal work under the supervision of trained personnel;

(b) Failing to file a work plan;

(c) Failing to perform work pursuant to the work plan;

(d) Failing to perform work that meets the requirements of the department; or

(e) The certificate was obtained by error, misrepresentation, or fraud.

(5) A contractor who violates any provision of this chapter may be assessed a fine not to exceed five hundred dollars for each violation.

(6) The department of health shall prescribe fees as provided for in RCW 43.70.250 for the issuance and renewal of certificates, the administration of examinations, and for the review of training courses.

(7) The decontamination account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in this account. Moneys in the account may only be spent after appropriation for costs incurred by the department in the administration and enforcement of this chapter.

NEW SECTION. Sec. 8. Until January 1, 1991, a property owner who wishes to have property decontaminated in accordance with the provisions of this act, shall contact the state department of health to receive a list of environmental service contractors who perform decontamination work. The property owner may choose any contractor on the list to perform the necessary work.

NEW SECTION. Sec. 9. The state board of health shall promulgate rules and standards for carrying out the provisions in this chapter in accordance with chapter 34.05 RCW, the administrative procedure act. The local board of health and the local health officer are authorized to exercise such powers as may be necessary to carry out this chapter. The department shall provide technical assistance to local health boards and health officers to carry out their duties under sections 1 through 11 of this act. The department shall develop guidelines for decontamination of a property used as a drug laboratory and methods for the testing of ground water, surface water, soil, and septic tanks for contamination.

NEW SECTION. Sec. 10. Members of the state board of health and local boards of health, local health officers, and employees of the department of health and local health departments are immune from civil liability arising out of the performance of their duties under this chapter, unless such performance constitutes gross negligence or intentional misconduct.

NEW SECTION. Sec. 11. This chapter shall not limit state or local government authority to act under any other statute, including chapter 35.80 or 7.48 RCW.

Sec. 12. Section 15, chapter 2, Laws of 1983 as last amended by section 212, chapter 271, Laws of 1989 and RCW 69.50.505 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture and no property right exists in them:

(1) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as defined in section 2 of this act, used or intended to be used in the manufacture of controlled substances;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale of property described in paragraphs (1) or (2), except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent;

(iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(iv) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(6) All drug paraphernalia;

(7) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW; PROVIDED, That a forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission; PROVIDED FURTHER, That no personal property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent; and

(8) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property; PROVIDED, That:

(l) No property may be forfeited pursuant to this subsection, to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent:

(ii) The bona fide gift of a controlled substance, legend drug, or imitation controlled substance shall not result in the forfeiture of real property;

(iii) The possession of marijuana shall not result in the forfeiture of real property unless the marijuana is possessed for commercial purposes, the amount possessed is five or more plants or one pound or more of marijuana, and a substantial nexus exists between the possession of marijuana and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of marijuana possessed by the offender, the sophistication of the activity or equipment used by the offender, and other evidence which demonstrates the offender's intent to engage in commercial activity;

(iv) The unlawful sale of marijuana or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of marijuana or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(b) Real or personal property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The court

to which the matter is to be removed shall be the district court when such aggregate value is ten thousand dollars or less of personal property. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. In cases involving personal property, the burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. In cases involving real property, the burden of producing evidence shall be upon the law enforcement agency. The burden of proof that the seized real property is subject to forfeiture shall be upon the law enforcement agency. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), or (a)(8) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) (i) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after the payment of all expenses shall be distributed as follows:

(A) Twenty-five percent of the money derived from the forfeiture of real property and seventy-five percent of the money derived from the forfeiture of personal property shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency and shall be used exclusively for the expansion or improvement of law enforcement services. These services may include the creation of reward funds for the purpose of rewarding informants who supply information leading to the arrest, prosecution and conviction of persons who violate laws relating to controlled substances. Such moneys shall not supplant preexisting funding sources;

(B) Twenty-five percent of money derived from the forfeiture of real property and twenty-five percent of money derived from the forfeiture of personal property shall be remitted to the state treasurer for deposit in the public safety and education account established in RCW 43.08.250;

(C) Until July 1, 1995, fifty percent of money derived from the forfeiture of real property shall be remitted to the state treasurer for deposit in the drug enforcement and education account under RCW 69.50.520, on and after July 1, 1995, the fifty percent of the money shall be remitted in the same manner as the twenty-five percent of the money remitted under (2)(i)(A) of this subsection; and

(D) If an investigation involves a seizure of moneys and proceeds having an aggregate value of less than five thousand dollars, the moneys and proceeds may be deposited in total in the general fund of the governmental unit of the seizing law enforcement agency and shall be appropriated exclusively for the expansion of narcotics enforcement services. Such moneys shall not supplant preexisting funding sources.

(ii) Money deposited according to this section must be deposited within ninety days of the date of final disposition of either the administrative seizure or the judicial seizure:

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the drug enforcement administration for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

(j) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an

order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

Sec. 13. Section 228, chapter 271, Laws of 1989 and RCW 69.50.511 are each amended to read as follows:

Law enforcement agencies who during the official investigation or enforcement of any illegal drug manufacturing facility come in contact with or are aware of any substances suspected of being hazardous as defined in RCW 70.105D.020(5), shall notify the department of ecology for the purpose of securing a contractor to identify, clean-up, store, and dispose of suspected hazardous substances, except for those random and representative samples obtained for evidentiary purposes. Whenever possible, a destruct order covering hazardous substances which may be described in general terms shall be obtained concurrently with a search warrant. Materials that have been photographed, fingerprinted, and subsampled by police shall be destroyed as soon as practical. The department of ecology shall make every effort to recover costs from the parties responsible for the suspected hazardous substance. All recoveries shall be deposited in the account or fund from which contractor payments are made.

The department of ecology may adopt rules to carry out its responsibilities under this section. The department of ecology shall consult with law enforcement agencies prior to adopting any rule or policy relating to this section.

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. Sections 1 through 7 and 9 through 11 of this act shall constitute a new chapter in Title 64 RCW.

NEW SECTION. Sec. 16. If specific funding for the purposes of this act, referencing this act by bill number, is not provided in the 1989-91 supplemental omnibus appropriations act (SSB 6407), this act shall be null and void.

NEW SECTION. Sec. 17. Sections 2 and 12 of this act are necessary for the immediate preservation of the public peace, health, or safety or support of the state government and its public institutions, and shall take effect on the effective date of the 1989-91 supplemental omnibus appropriations act (SSB 6407) if specific funding for this act is provided therein."

On page 1, line 1 of the title, after "properties;" strike the remainder of the title and insert "amending RCW 69.50.505 and 69.50.511; adding a new chapter to Title 64 RCW; creating new sections; and prescribing penalties."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Leonard moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2906.

Ms. Leonard spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2906 as amended by the Senate.

Representatives Leonard and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2906 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betrozoff, Bowman, Braddock, Brække, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Todd, Vekich - 2.

Excused: Representatives Belcher, Phillips - 2.

Engrossed Substitute House Bill No. 2906 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 3001 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 3, chapter 290, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 106, Laws of 1983 and RCW 48.46.020 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context indicates otherwise.

(1) 'Health maintenance organization' means any organization receiving a certificate of ~~((authority))~~ registration by the commissioner under this chapter which provides comprehensive health care services to enrolled participants of such organization on a group practice per capita prepayment basis or on a prepaid individual practice plan, except for an enrolled participant's responsibility for copayments and/or deductibles, either directly or through contractual or other arrangements with other institutions, entities, or persons, and which qualifies as a health maintenance organization pursuant to RCW 48.46.030 and 48.46.040.

(2) 'Comprehensive health care services' means basic consultative, diagnostic, and therapeutic services rendered by licensed health professionals together with emergency and preventive care, inpatient hospital, outpatient and physician care, at a minimum, and any additional health care services offered by the health maintenance organization.

(3) 'Enrolled participant' means a person who or group of persons which has entered into a contractual arrangement or on whose behalf a contractual arrangement has been entered into with a health maintenance organization to receive health care services.

(4) 'Health professionals' means health care practitioners who are ((licensed under the provisions of chapters 18.22, 18.25, 18.29, 18.32, 18.34, 18.53, 18.57, 18.57A, 18.64, 18.71, 18.71A, 18.74, 18.78, 18.83, or 18.88 RCW)) regulated by the state of Washington.

(5) 'Health maintenance agreement' means an agreement for services between a health maintenance organization which is registered pursuant to the provisions of this chapter and enrolled participants of such organization which provides enrolled participants with comprehensive health services rendered to enrolled participants by health professionals, groups, facilities, and other personnel associated with the health maintenance organization.

(6) 'Consumer' means any member, subscriber, enrollee, beneficiary, or other person entitled to health care services under terms of a health maintenance agreement, but not including health professionals, employees of health maintenance organizations, partners, or shareholders of stock corporations licensed as health maintenance organizations.

(7) 'Meaningful role in policy making' means a procedure approved by the commissioner which provides consumers or elected representatives of consumers a means of submitting the views and recommendations of such consumers to the governing board of such organization coupled with reasonable assurance that the board will give regard to such views and recommendations.

(8) 'Meaningful grievance procedure' means a procedure for investigation of consumer grievances in a timely manner aimed at mutual agreement for settlement according to procedures approved by the commissioner, and which may include arbitration procedures.

(9) 'Provider' means any health professional, hospital, or other institution, organization, or person that furnishes any health care services and is licensed or otherwise authorized to furnish such services.

(10) 'Department' means the state department of social and health services.

(11) 'Commissioner' means the insurance commissioner.

(12) 'Group practice' means a partnership, association, corporation, or other group of health professionals:

(a) The members of which may be individual health professionals, clinics, or both individuals and clinics who engage in the coordinated practice of their profession; and

(b) The members of which are compensated by a prearranged salary, or by capitation payment or drawing account that is based on the number of enrolled participants.

(13) 'Individual practice health care plan' means an association of health professionals in private practice who associate for the purpose of providing prepaid comprehensive health care services on a fee-for-service or capitation basis.

(14) 'Uncovered expenditures' means the costs to the health maintenance organization of health care services that are ((covered by a)) the obligation of the health maintenance organization for which an enrolled participant would also be liable in the event of the health maintenance organization's insolvency and for which no alternative arrangements have been made as provided herein. The term does not include expenditures for covered services when a provider has agreed not to bill the enrolled participant even though the provider is not paid

by the health maintenance organization, or for services that are guaranteed, insured, or assumed by a person or organization other than the health maintenance organization.

(15) 'Copayment' means an amount specified in a subscriber agreement which is an obligation of an enrolled participant for a specific service which is not fully prepaid.

(16) 'Deductible' means the amount an enrolled participant is responsible to pay out-of-pocket before the health maintenance organization begins to pay the costs associated with treatment.

(17) 'Fully subordinated debt' means those debts that meet the requirements of section 5(3) of this act and are recorded as equity.

(18) 'Net worth' means the excess of total admitted assets as defined in RCW 48.12.010 over total liabilities but the liabilities shall not include fully subordinated debt.

(19) 'Participating provider' means a provider as defined in subsection (9) of this section who contracts with the health maintenance organization or with its contractor or subcontractor and has agreed to provide health care services to enrolled participants with an expectation of receiving payment, other than copayment or deductible, directly or indirectly, from the health maintenance organization.

(20) 'Carrier' means a health maintenance organization, an insurer, a health care services contractor, or other entity responsible for the payment of benefits or provision of services under a group or individual agreement.

(21) 'Replacement coverage' means the benefits provided by a succeeding carrier.

(22) 'Insolvent' or 'insolvency' means that the organization has been declared insolvent and is placed under an order of liquidation by a court of competent jurisdiction.

Sec. 2, Section 4, chapter 290, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 320, Laws of 1985 and RCW 48.46.030 are each amended to read as follows:

Any corporation, cooperative group, partnership, individual, association, or groups of health professionals licensed by the state of Washington, public hospital district, or public institutions of higher education shall be entitled to a certificate of registration from the insurance commissioner as a health maintenance organization if it:

(1) Provides comprehensive health care services to enrolled participants on a group practice per capita prepayment basis or on a prepaid individual practice plan and provides such health services either directly or through arrangements with institutions, entities, and persons which its enrolled population might reasonably require as determined by the health maintenance organization in order to be maintained in good health; and

(2) Is governed by a board elected by enrolled participants, or otherwise provides its enrolled participants with a meaningful role in policy making procedures of such organization, as defined in RCW 48.46.020(7), and 48.46.070; and

(3) Affords enrolled participants with a meaningful grievance procedure aimed at settlement of disputes between such persons and such health maintenance organization, as defined in RCW 48.46.020(8) and 48.46.100; and

(4) Provides enrolled participants, or makes available for inspection at least annually, financial statements pertaining to health maintenance agreements, disclosing income and expenses, assets and liabilities, and the bases for proposed rate adjustments for health maintenance agreements relating to its activity as a health maintenance organization; and

(5) Demonstrates to the satisfaction of the commissioner that its facilities and personnel are reasonably adequate to provide comprehensive health care services to enrolled participants and that it is financially capable of providing such members with, or has made adequate contractual arrangements through insurance or otherwise to provide such members with, such health services; and

(6) Substantially complies with administrative rules and regulations of the commissioner for purposes of this chapter; and

(7) Submits an application for a certificate of registration which shall be verified by an officer or authorized representative of the applicant, being in form as the commissioner prescribes, and setting forth:

(a) A copy of the basic organizational document, if any, of the applicant, such as the articles of incorporation, articles of association, partnership agreement, trust agreement, or other applicable documents, and all amendments thereto;

(b) A copy of the bylaws, rules and regulations, or similar documents, if any, which regulate the conduct of the internal affairs of the applicant, and all amendments thereto;

(c) A list of the names, addresses, members of the board of directors, board of trustees, executive committee, or other governing board or committee and the principal officers, partners, or members;

(d) A full and complete disclosure of any financial interests held by any officer, or director in any provider associated with the applicant or any provider of the applicant;

(e) A description of the health maintenance organization, its facilities and its personnel, and the applicant's most recent financial statement showing such organization's assets, liabilities, income, and other sources of financial support;

(f) A description of the geographic areas and the population groups to be served and the size and composition of the anticipated enrollee population;

(g) A copy of each type of health maintenance agreement to be issued to enrolled participants;

(h) A schedule of all proposed rates of reimbursement to contracting health care facilities or providers, if any, and a schedule of the proposed charges for enrollee coverage for health care services, accompanied by data relevant to the formulation of such schedules;

(i) A description of the proposed method and schedule for soliciting enrollment in the applicant health maintenance organization and the basis of compensation for such solicitation services;

(j) A copy of the solicitation document to be distributed to all prospective enrolled participants in connection with any solicitation;

(k) A financial projection which sets forth the anticipated results during the initial two years of operation of such organization, accompanied by a summary of the assumptions and relevant data upon which the projection is based. The projection should include the projected expenses, enrollment trends, income, enrollee utilization patterns, and sources of working capital;

(l) A detailed description of the enrollee complaint system as provided by RCW 48.46.100;

(m) A detailed description of the procedures and programs to be implemented to assure that the health care services delivered to enrolled participants will be of professional quality; ~~((and))~~

(n) A detailed description of procedures to be implemented to meet the requirements to protect against insolvency in section 8 of this act;

(o) Documentation that the health maintenance organization has an initial net worth of one million dollars and shall thereafter maintain the minimum net worth required under section 5 of this act; and

(p) Such other information as the commissioner shall require by rule or regulation which is reasonably necessary to carry out the provisions of this section.

A health maintenance organization shall, unless otherwise provided for in this chapter, file a notice describing any modification of any of the information required by subsection (7) of this section. Such notice shall be filed with the commissioner.

Sec. 3. Section 5, chapter 290, Laws of 1975 1st ex. sess. as last amended by section 223, chapter 9, Laws of 1989 1st ex. sess. and RCW 48.46.040 are each amended to read as follows:

The commissioner shall issue a certificate of registration to the applicant within sixty days of such filing unless he notifies the applicant within such time that such application is not complete and the reasons therefor; or that he is not satisfied that:

(1) The basic organizational document of the applicant permits the applicant to conduct business as a health maintenance organization;

(2) The organization has demonstrated the intent and ability to assure that comprehensive health care services will be provided in a manner to assure both their availability and accessibility;

(3) The organization is financially responsible and may be reasonably expected to meet its obligations to its enrolled participants. In making this determination, the commissioner shall consider among other relevant factors:

(a) Any agreements with an insurer, a medical or hospital service bureau, a government agency or any other organization paying or insuring payment for health care services;

(b) Any agreements with providers for the provision of health care services; ~~((and))~~

(c) Any arrangements for liability and malpractice insurance coverage; and

(d) Adequate procedures to be implemented to meet the protection against insolvency requirements in section 8 of this act.

(4) The procedures for offering health care services and offering or terminating contracts with enrolled participants are reasonable and equitable in comparison with prevailing health insurance subscription practices and health maintenance organization enrollment procedures; and, that

(5) Procedures have been established to:

(a) Monitor the quality of care provided by such organization, including, as a minimum, procedures for internal peer review;

(b) Resolve complaints and grievances initiated by enrolled participants in accordance with RCW 48.46.010 and 48.46.100;

(c) Offer enrolled participants an opportunity to participate in matters of policy and operation in accordance with RCW 48.46.020(7) and 48.46.070.

No person to whom a certificate of registration has not been issued, except a health maintenance organization certified by the secretary of the department of health (~~(education and welfare)~~) and human services, pursuant to Public Law 93-222 or its successor, shall use the words 'health maintenance organization' or the initials 'HMO' in its name, contracts, or literature. Persons who are contracting with, operating in association with, recruiting enrolled participants for, or otherwise authorized by a health maintenance organization possessing a certificate of registration to act on its behalf may use the terms 'health maintenance organization' or 'HMO' for the limited purpose of denoting or explaining their relationship to such health maintenance organization.

The department of health, at the request of the insurance commissioner, shall inspect and review the facilities of every applicant health maintenance organization to determine that such facilities are reasonably adequate to provide the health care services offered in their contracts. If the commissioner has information to indicate that such facilities fail to continue to be adequate to provide the health care services offered, the department of health, upon request of the insurance commissioner, shall reinspect and review the facilities and report to the insurance commissioner as to their adequacy or inadequacy.

NEW SECTION. Sec. 4. A new section is added to chapter 48.46 RCW to read as follows:

(1) Any rehabilitation, liquidation, or conservation of a health maintenance organization shall be deemed to be the rehabilitation, liquidation, or conservation of an insurance company and shall be conducted under the supervision of the commissioner pursuant to the law governing the rehabilitation, liquidation, or conservation of insurance companies. The commissioner may apply for an order directing the commissioner to rehabilitate, liquidate, or conserve a health maintenance organization upon any one or more grounds set out in RCW 48.31.030, 48.31.050, and 48.31.080. Enrolled participants shall have the same priority in the event of liquidation or rehabilitation as the law provides to policyholders of an insurer.

(2) For purposes of determining the priority of distribution of general assets, claims of enrolled participants and enrolled participants' beneficiaries shall have the same priority as established by RCW 48.31.280 for policyholders and beneficiaries of insureds of insurance companies. If an enrolled participant is liable to any provider for services provided pursuant to and covered by the health maintenance agreement, that liability shall have the status of an enrolled participant claim for distribution of general assets.

(3) A provider who is obligated by statute or agreement to hold enrolled participants harmless from liability for services provided pursuant to and covered by a health care plan shall have a priority of distribution of the general assets immediately following that of enrolled participants and enrolled participants' beneficiaries as described herein, and immediately preceding the priority of distribution described in RCW 48.31.280(2)(e).

NEW SECTION. Sec. 5. A new section is added to chapter 48.46 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, every health maintenance organization must maintain a minimum net worth equal to the greater of:

(a) One million dollars; or

(b) Two percent of annual premium revenues as reported on the most recent annual financial statement filed with the commissioner on the first one hundred fifty million dollars of premium and one percent of annual premium on the premium in excess of one hundred fifty million dollars; or

(c) An amount equal to the sum of three months' uncovered expenditures as reported on the most recent financial statement filed with the commissioner.

(2) A health maintenance organization registered before the effective date of this act, must maintain a minimum net worth of:

(a) Twenty-five percent of the amount required by subsection (1) of this section by December 31, 1990;

(b) Fifty percent of the amount required by subsection (1) of this section by December 31, 1991;

(c) Seventy-five percent of the amount required by subsection (1) of this section by December 31, 1992; and

(d) One hundred percent of the amount required by subsection (1) of this section by December 31, 1993.

(3)(a) In determining net worth, no debt shall be considered fully subordinated unless the subordination clause is in a form acceptable to the commissioner. An interest obligation relating to the repayment of a subordinated debt must be similarly subordinated.

(b) The interest expenses relating to the repayment of a fully subordinated debt shall not be considered uncovered expenditures.

(c) A subordinated debt incurred by a note meeting the requirement of this section, and otherwise acceptable to the commissioner, shall not be considered a liability and shall be recorded as equity.

(4) Every health maintenance organization shall, when determining liabilities, include an amount estimated in the aggregate to provide for any unearned premium and for the payment of all claims for health care expenditures that have been incurred, whether reported or unreported, which are unpaid and for which such organization is or may be liable, and to provide for the expense of adjustment or settlement of such claims.

Such liabilities shall be computed in accordance with rules promulgated by the commissioner upon reasonable consideration of the ascertained experience and character of the health maintenance organization.

Sec. 6. Section 3, chapter 151, Laws of 1982 as amended by section 4, chapter 320, Laws of 1985 and RCW 48.46.240 are each amended to read as follows:

(1) Each health maintenance organization obtaining a certificate of ((authority)) registration from the commissioner shall provide and maintain a funded reserve of one hundred fifty

thousand dollars (~~which shall be in addition to any deposit or contingent reserve requirements set forth in RCW 48.46.236~~). The funded reserve shall be deposited with the commissioner or with any organization/trustee acceptable to him in the form of cash, securities eligible for investment by the health maintenance organization pursuant to chapter 48.13 RCW, approved surety bond or any combination of these (~~or other measures that are acceptable to the commissioner~~), and must equal or exceed one hundred fifty thousand dollars. The funded reserve shall be established as (a guarantee) an assurance that the uncovered expenditure obligations of the health maintenance organization to the enrolled participants will be performed.

(2) (~~Any health maintenance organization that is in operation on January 1, 1983, shall establish a funded reserve of one hundred thousand dollars within one year and accrue twenty-five thousand dollars on the first day of the second and third fiscal years following twelve months after January 1, 1983~~) All income from reserves on deposit with the commissioner shall belong to the depositing health maintenance organization and shall be paid to it as it becomes available.

(3) Any funded reserve required by this section shall be considered an asset of the health maintenance organization in determining the organization's net worth.

(4) A health maintenance organization that has made a securities deposit with the commissioner may, at its option, withdraw the securities deposit or any part of the deposit after first having deposited or provided in lieu thereof an approved surety bond, a deposit of cash or securities, or any combination of these or other deposits of equal amount and value to that withdrawn. Any securities and surety bond shall be subject to approval by the commissioner before being substituted.

NEW SECTION, Sec. 7. A new section is added to chapter 48.46 RCW to read as follows:

(1) Subject to subsection (2) of this section, every contract between a health maintenance organization and its participating providers of health care services shall be in writing and shall set forth that in the event the health maintenance organization fails to pay for health care services as set forth in the agreement, the enrolled participant shall not be liable to the provider for any sums owed by the health maintenance organization. Every such contract shall provide that this requirement shall survive termination of the contract.

(2) The provisions of subsection (1) of this section shall not apply to emergency care from a provider who is not a participating provider, to out-of-area services or, in exceptional situations approved in advance by the commissioner, if the health maintenance organization is unable to negotiate reasonable and cost-effective participating provider contracts.

(3)(a) Each participating provider contract form shall be filed with the commissioner fifteen days before it is used.

(b) Any contract form not affirmatively disapproved within fifteen days of filing shall be deemed approved, except that the commissioner may extend the approval period an additional fifteen days upon giving notice before the expiration of the initial fifteen-day period. The commissioner may approve such a contract form for immediate use at any time. Approval may be subsequently withdrawn for cause.

(c) Subject to the right of the health maintenance organization to demand and receive a hearing under chapters 48.04 and 34.05 RCW, the commissioner may disapprove such a contract form if it is in any respect in violation of this chapter or if it fails to conform to minimum provisions or standards required by the commissioner by rule under chapter 34.05 RCW.

(4) No participating provider, or agent, trustee, or assignee thereof, may maintain an action against an enrolled participant to collect sums owed by the health maintenance organization.

NEW SECTION, Sec. 8. A new section is added to chapter 48.46 RCW to read as follows:

Each health maintenance organization shall have a plan for handling insolvency which allows for continuation of benefits for the duration of the agreement period for which premiums have been paid and continuation of benefits to members who are confined on the date of insolvency in an inpatient facility until their discharge or expiration of benefits. The commissioner shall approve such a plan if it includes:

(1) Insurance to cover the expenses to be paid for continued benefits after insolvency;

(2) Provisions in provider contracts that obligate the provider to provide services for the duration of the period after the health maintenance organization's insolvency for which premium payment has been made and until the enrolled participants' discharge from inpatient facilities;

(3) Use of insolvency reserves established under RCW 48.46.240;

(4) Acceptable letters of credit or approved surety bonds; or

(5) Any other arrangements the commissioner and the organization mutually agree are appropriate to assure that benefits are continued.

NEW SECTION, Sec. 9. A new section is added to chapter 48.46 RCW to read as follows:

(1)(a) In the event of insolvency of a health care service contractor or health maintenance organization and upon order of the commissioner, all other carriers then having active enrolled participants under a group plan with the affected agreement holder that participated in the enrollment process with the insolvent health care service contractor or health maintenance organization at a group's last regular enrollment period shall offer the eligible enrolled

participants of the insolvent health services contractor or health maintenance organization the opportunity to enroll in an existing group plan without medical underwriting during a thirty-day open enrollment period, commencing on the date of the insolvency. Eligible enrolled participants shall not be subject to preexisting condition limitations except to the extent that a waiting period for a preexisting condition has not been satisfied under the insolvent carrier's group plan. An open enrollment shall not be required where the agreement holder participates in a self-insured, self-funded, or other health plan exempt from commissioner rule, unless the plan administrator and agreement holder voluntarily agree to offer a simultaneous open enrollment and extend coverage under the same enrollment terms and conditions as are applicable to carriers under this title and rules adopted under this title. If an exempt plan was offered during the last regular open enrollment period, then the carrier may offer the agreement holder the same coverage as any self-insured plan or plans offered by the agreement holder without regard to coverage, benefit, or provider requirements mandated by this title for the duration of the current agreement period.

(b) For purposes of this subsection only, the term 'carrier' means a health maintenance organization or a health care service contractor. In the event of insolvency of a carrier and if no other carrier has active enrolled participants under a group plan with the affected agreement holder, or if the commissioner determines that the other carriers lack sufficient health care delivery resources to assure that health services will be available or accessible to all of the group enrollees of the insolvent carrier, then the commissioner shall allocate equitably the insolvent carrier's group agreements for these groups among all carriers that operate within a portion of the insolvent carrier's area, taking into consideration the health care delivery resources of each carrier. Each carrier to which a group or groups are allocated shall offer the agreement holder, without medical underwriting, the carrier's existing coverage that is most similar to each group's coverage with the insolvent carrier at rates determined in accordance with the successor carrier's existing rating methodology. The eligible enrolled participants shall not be subject to preexisting condition limitations except to the extent that a waiting period for a preexisting condition has not been satisfied under the insolvent carrier's group plan. No offering by a carrier shall be required where the agreement holder participates in a self-insured, self-funded, or other health plan exempt from commissioner rule. The carrier may offer the agreement holder the same coverage as any self-insured plan or plans offered by the agreement holder without regard to coverage, benefit, or provider requirements mandated by this title for the duration of the current agreement period.

(2) The commissioner shall also allocate equitably the insolvent carrier's nongroup enrolled participants who are unable to obtain coverage among all carriers that operate within a portion of the insolvent carrier's service area, taking into consideration the health care delivery resources of the carrier. Each carrier to which nongroup enrolled participants are allocated shall offer the nongroup enrolled participants the carrier's existing comprehensive conversion plan, without additional medical underwriting, at rates determined in accordance with the successor carrier's existing rating methodology. The eligible enrolled participants shall not be subject to preexisting condition limitations except to the extent that a waiting period for a preexisting condition has not been satisfied under the insolvent carrier's plan.

(3) Any agreements covering participants allocated pursuant to subsections (1)(b) and (2) of this section to carriers pursuant to this section may be rerated after ninety days of coverage.

(4) A limited health care service contractor shall not be required to offer services other than its one limited health care service to any enrolled participant of an insolvent carrier.

Sec. 10. Section 20, chapter 106, Laws of 1983 and RCW 48.46.420 are each amended to read as follows:

(1) Any health maintenance organization which, or person who, violates any provision of this chapter shall be guilty of a gross misdemeanor.

(2) A health maintenance organization that fails to comply with the net worth requirements of this chapter must cure that defect in compliance with an order of the commissioner rendered in conformity with rules adopted pursuant to chapter 34.05 RCW. The commissioner is authorized to take appropriate action to assure that the continued operation of the health maintenance organization will not be hazardous to its enrolled participants.

Sec. 11. Section 3, chapter 243, Laws of 1986 and RCW 48.80.030 are each amended to read as follows:

(1) A person shall not make or present or cause to be made or presented to a health care payer a claim for a health care payment knowing the claim to be false.

(2) No person shall knowingly present to a health care payer a claim for a health care payment that falsely represents that the goods or services were medically necessary in accordance with professionally accepted standards. Each claim that violates this subsection shall constitute a separate offense.

(3) No person shall knowingly make a false statement or false representation of a material fact to a health care payer for use in determining rights to a health care payment. Each claim that violates this subsection shall constitute a separate violation.

(4) No person shall conceal the occurrence of any event affecting his or her initial or continued right under a contract, certificate, or policy of insurance to have a payment made by a

health care payer for a specified health care service. A person shall not conceal or fail to disclose any information with intent to obtain a health care payment to which the person or any other person is not entitled, or to obtain a health care payment in an amount greater than that which the person or any other person is entitled.

(5) No provider shall willfully collect or attempt to collect an amount from an insured knowing that to be in violation of an agreement or contract with a health care payor to which the provider is a party.

(6) A person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW.

((6)) (7) This section does not apply to statements made on an application for coverage under a contract or certificate of health care coverage issued by an insurer, health care service contractor, health maintenance organization, or other legal entity which is self-insured and providing health care benefits to its employees.

NEW SECTION. Sec. 12. Section 2, chapter 151, Laws of 1982 and RCW 48.46.230 are each repealed."

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 48.46.020, 48.46.030, 48.46.040, 48.46.240, 48.46.420, and 48.80.030; adding new sections to chapter 48.46 RCW; repealing RCW 48.46.230; and prescribing penalties."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Dellwo moved that the House do concur in the Senate amendments to Substitute House Bill No. 3001.

Mr. Dellwo spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 3001 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3001 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Todd, Vekich - 2.

Excused: Representatives Belcher, Phillips - 2.

Substitute House Bill No. 3001 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTION HOUSE BILL NO. 3002 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 223, Laws of 1986 and RCW 48.44.010 are each amended to read as follows:

For the purposes of this chapter:

(1) 'Health care services' means and includes medical, surgical, dental, chiropractic, hospital, optometric, podiatric, pharmaceutical, ambulance, custodial, mental health, and other therapeutic services.

(2) 'Provider' means any ~~((person lawfully licensed or authorized by the state of Washington to render any health care))~~ health professional, hospital, or other institution, organization, or person that furnishes health care services and is licensed to furnish such services.

(3) 'Health care service contractor' means any corporation, cooperative group, or association, which is sponsored by or otherwise intimately connected with a provider or group of providers, who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for providing such persons with any health care services.

(4) '(Participant) Participating provider' means a provider, who or which has contracted in writing with a health care service contractor to accept payment from and to look solely to such contractor according to the terms of the subscriber contract for any health care services rendered to a person who has previously paid, or on whose behalf prepayment has been made, to such contractor for such services.

(5) 'Enrolled participant' means a person or group of persons who have entered into a contractual arrangement or on whose behalf a contractual arrangement has been entered into with a health care service contractor to receive health care services.

(6) 'Commissioner' means the insurance commissioner.

(7) 'Uncovered expenditures' means the costs to the health care service contractor for health care services that are the obligation of the health care service contractor for which an enrolled participant would also be liable in the event of the health care service contractor's insolvency and for which no alternative arrangements have been made as provided herein. The term does not include expenditures for covered services when a provider has agreed not to bill the enrolled participant even though the provider is not paid by the health care service contractor, or for services that are guaranteed, insured or assumed by a person or organization other than the health care service contractor.

(8) 'Copayment' means an amount specified in a group or individual contract which is an obligation of an enrolled participant for a specific service which is not fully prepaid.

(9) 'Deductible' means the amount an enrolled participant is responsible to pay before the health care service contractor begins to pay the costs associated with treatment.

(10) 'Group contract' means a contract for health care services which by its terms limits eligibility to members of a specific group. The group contract may include coverage for dependents.

(11) 'Individual contract' means a contract for health care services issued to and covering an individual. An individual contract may include dependents.

(12) 'Carrier' means a health maintenance organization, an insurer, a health care service contractor, or other entity responsible for the payment of benefits or provision of services under a group or individual contract.

(13) 'Replacement coverage' means the benefits provided by a succeeding carrier.

(14) 'Insolvent' or 'insolvency' means that the organization has been declared insolvent and is placed under an order of liquidation by a court of competent jurisdiction.

(15) 'Fully subordinated debt' means those debts that meet the requirements of section 4(3) of this act and are recorded as equity.

(16) 'Net worth' means the excess of total admitted assets as defined in RCW 48.12.010 over total liabilities but the liabilities shall not include fully subordinated debt.

NEW SECTION. Sec. 2. A new section is added to chapter 48.44 RCW to read as follows:

(1) Any rehabilitation, liquidation, or conservation of a health care service contractor shall be deemed to be the rehabilitation, liquidation, or conservation of an insurance company and shall be conducted under the supervision of the commissioner pursuant to the law governing the rehabilitation, liquidation, or conservation of insurance companies. The commissioner may apply for an order directing the commissioner to rehabilitate, liquidate, or conserve a health care service contractor upon any one or more grounds set out in RCW 48.31.030, 48.31.050, and 48.31.080.

(2) For purpose of determining the priority of distribution of general assets, claims of enrolled participants and enrolled participants' beneficiaries shall have the same priority as established by RCW 48.31.280 for policyholders and beneficiaries of insureds of insurance companies. If an enrolled participant is liable to any provider for services provided pursuant to and covered by the health care plan, that liability shall have the status of an enrolled participant claim for distribution of general assets.

(3) Any provider who is obligated by statute or agreement to hold enrolled participants harmless from liability for services provided pursuant to and covered by a health care plan shall have a priority of distribution of the general assets immediately following that of enrolled participants and enrolled participants' beneficiaries as described herein, and immediately preceding the priority of distribution described in chapter 48.31 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 48.44 RCW to read as follows:

(1) For purposes of this section only, 'limited health care service' means dental care services, vision care services, mental health services, chemical dependency services, pharmaceutical services, podiatric care services, and such other services as may be determined by the commissioner to be limited health services, but does not include hospital, medical, surgical, emergency, or out-of-area services except as those services are provided incidentally to the limited health services set forth in this subsection.

(2) For purposes of this section only, a 'limited health care service contractor' means a health care service contractor that offers one and only one limited health care service.

(3) For all limited health care service contractors that have had a certificate of registration for less than three years, their uncovered expenditures shall be either insured or guaranteed by a foreign or domestic carrier admitted in the state of Washington or by another carrier acceptable to the commissioner. All such contractors shall also deposit with the commissioner one-half of one percent of their projected premium for the next year in cash, approved surety bond, securities, or other form acceptable to the commissioner.

(4) For all limited health care service contractors that have had a certificate of registration for three years or more, their uncovered expenditures shall be assured by depositing with the insurance commissioner twenty-five percent of their last year's uncovered expenditures as reported to the commissioner and adjusted to reflect any anticipated increases or decreases during the ensuing year plus an amount for unearned prepayments; in cash, approved surety bond, securities, or other form acceptable to the commissioner. Compliance with subsection (3) of this section shall also constitute compliance with this requirement.

(5) Limited health service contractors need not comply with section 4 or 7 of this act.

NEW SECTION, Sec. 4. A new section is added to chapter 48.44 RCW to read as follows:

(1)(a) Except as provided in subsection (2) of this section, every health care service contractor must have a net worth of one million five hundred thousand dollars at the time of initial registration under this chapter and a net worth of one million dollars thereafter. The commissioner is authorized to establish standards for reviewing a health care service contractor's financial integrity when, for any reason, its net worth is reduced below one million dollars. When satisfied that such a health care service contractor is financially stable and not hazardous to its enrolled participants, the commissioner may waive compliance with the one million dollar net worth standard otherwise required by this subsection. When such a health care service contractor's net worth falls below five hundred thousand dollars, the commissioner shall require that net worth be increased to one million dollars.

(b) A health care service contractor who fails to maintain the required net worth must cure that defect in compliance with an order of the commissioner rendered in conformity with rules adopted under chapter 34.05 RCW. The commissioner may take appropriate action to assure that the continued operation of the health care service contractor will not be hazardous to its enrolled participants.

(2) A health care service contractor registered before the effective date of this act must maintain a net worth of:

(a) Twenty-five percent of the amount required by subsection (1) of this section by December 31, 1990;

(b) Fifty percent of the amount required by subsection (1) of this section by December 31, 1991;

(c) Seventy-five percent of the amount required by subsection (1) of this section by December 31, 1992; and

(d) One hundred percent of the amount required by subsection (1) of this section by December 31, 1993.

(3)(a) In determining net worth, no debt shall be considered fully subordinated unless the subordination is in a form acceptable to the commissioner. An interest obligation relating to the repayment of a subordinated debt must be similarly subordinated.

(b) The interest expenses relating to the repayment of a fully subordinated debt shall not be considered uncovered expenditures.

(c) A subordinated debt incurred by a note meeting the requirement of this section, and otherwise acceptable to the commissioner, shall not be considered a liability and shall be recorded as equity.

(4) Every health care service contractor shall, when determining liabilities, include an amount estimated in the aggregate to provide for any unearned premium and for the payment of all claims for health care expenditures which have been incurred, whether reported or unreported, which are unpaid and for which the organization is or may be liable, and to provide for the expense of adjustment or settlement of the claims.

Liabilities shall be computed in accordance with regulations adopted by the commissioner upon reasonable consideration of the ascertained experience and character of the health care service contractor.

(5) All income from reserves on deposit with the commissioner shall belong to the depositing health care service contractor and shall be paid to it as it becomes available.

(6) Any funded reserve required by this chapter shall be considered an asset of the health care service contractor in determining the organization's net worth.

(7) A health care service contractor that has made a securities deposit with the commissioner may, at its option, withdraw the securities deposit or any part thereof after first having deposited or provided in lieu thereof an approved surety bond, a deposit of cash or securities, or any combination of these or other deposits of equal amount and value to that withdrawn. Any securities and surety bond shall be subject to approval by the commissioner before being substituted.

Sec. 5. Section 2, chapter 268, Laws of 1947 as last amended by section 2, chapter 223, Laws of 1986 and RCW 48.44.020 are each amended to read as follows:

(1) Any health care service contractor may enter into ((agreements)) contracts with or for the benefit of persons or groups of persons which require prepayment for health care services by or for such persons in consideration of such health care service contractor providing one or more health care services to such persons and such activity shall not be subject to the laws relating to insurance if the health care services are rendered by the health care service contractor or by a ((participant)) participating provider.

(2) The commissioner may on examination, subject to the right of the health care service contractor to demand and receive a hearing under chapters 48.04 and 34.05 RCW, disapprove any contract form for any of the following grounds:

(a) If it contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract; or

(b) If it has any title, heading or other indication of its provisions which is misleading; or

(c) If purchase of health care services thereunder is being solicited by deceptive advertising; or

(d) If, the benefits provided therein are unreasonable in relation to the amount charged for the contract;

(e) If it contains unreasonable restrictions on the treatment of patients;

(f) If it violates any provision of this chapter;

(g) If it fails to conform to minimum provisions or standards required by regulation made by the commissioner pursuant to chapter 34.05 RCW;

(h) If any contract for health care services with any state agency, division, subdivision, board or commission or with any political subdivision, municipal corporation, or quasi-municipal corporation fails to comply with state law.

(3)(a) Every contract between a health care service contractor and a participating provider of health care services shall be in writing and shall state that in the event the health care service contractor fails to pay for health care services as provided in the contract, the enrolled participant shall not be liable to the provider for sums owed by the health care service contractor. Every such contract shall provide that this requirement shall survive termination of the contract.

(b) No participating provider, agent, trustee or assignee may maintain any action against an enrolled participant to collect sums owed by the health care service contractor.

Sec. 6. Section 1, chapter 168, Laws of 1982 as last amended by section 1, chapter 122, Laws of 1989 and RCW 48.44.026 are each amended to read as follows:

Checks in payment for claims pursuant to any health care service contract for health care services provided by persons licensed or regulated under chapters 18.22, 18.25, 18.29, 18.32, 18.53, 18.57, 18.64, 18.71, 18.73, 18.74, 18.83, or 18.88 RCW, where the provider is not a ((participant)) participating provider under a contract with the health care service contractor, shall be made out to both the provider and the ((insured)) enrolled participant with the provider as the first named payee, jointly, to require endorsement by each: PROVIDED, That payment shall be made in the single name of the ((insured)) enrolled participant if the ((insured)) enrolled participant as part of his or her claim furnishes evidence of prepayment to the health care service provider: AND PROVIDED FURTHER, That nothing in this section shall preclude a health care service contractor from voluntarily issuing payment in the single name of the provider.

Sec. 7. Section 3, chapter 268, Laws of 1947 as last amended by section 3, chapter 223, Laws of 1986 and RCW 48.44.030 are each amended to read as follows:

If any of the health care services which are promised in any such agreement are not to be performed by the health care service contractor, or by a ((participant)) participating provider, such activity shall not be subject to the laws relating to insurance, provided provision is made for reimbursement or indemnity of the persons who have previously paid, or on whose behalf prepayment has been made, for such services. Such reimbursement or indemnity shall either be underwritten by an insurance company authorized to write accident, health and disability insurance in the state or guaranteed by a surety company authorized to do business in this state, or guaranteed by a deposit of cash or securities eligible for investment by insurers pursuant to chapter 48.13 RCW, with the insurance commissioner, as hereinafter provided. If the reimbursement or indemnity is underwritten by an insurance company, the contract or policy of insurance may designate the health care service contractor as the named insured, but shall be for the benefit of the persons who have previously paid, or on whose behalf prepayment has been made, for such health care services. If the reimbursement or indemnity is guaranteed by a surety company, the surety bond shall designate the state of Washington as the named obligee, but shall be for the benefit of the persons who have previously paid, or on whose behalf prepayment has been made, for such health care services, and shall be in such amount as the insurance commissioner shall direct, but in no event in a sum greater than the amount of one hundred fifty thousand dollars or the amount necessary to cover incurred but unpaid reimbursement or indemnity benefits as reported in the last annual statement filed with the insurance commissioner, and adjusted to reflect known or anticipated increases or decreases

during the ensuing year, plus an amount of unearned prepayments applicable to reimbursement or indemnity benefits satisfactory to the insurance commissioner, whichever amount is greater. A copy of such insurance policy or surety bond, as the case may be, and any modification thereof, shall be filed with the insurance commissioner. If the reimbursement or indemnity is guaranteed by a deposit of cash or securities, such deposit shall be in such amount as the insurance commissioner shall direct, but in no event in a sum greater than the amount of one hundred fifty thousand dollars or the amount necessary to cover incurred but unpaid reimbursement or indemnity benefits as reported in the last annual statement filed with the insurance commissioner, and adjusted to reflect known or anticipated increases or decreases during the ensuing year, plus an amount of unearned prepayments applicable to reimbursement or indemnity benefits satisfactory to the insurance commissioner, whichever amount is greater. Such cash or security deposit shall be held in trust by the insurance commissioner and shall be for the benefit of the persons who have previously paid, or on whose behalf prepayment has been made, for such health care services.

NEW SECTION, Sec. 8. A new section is added to chapter 48.44 RCW to read as follows:

(1)(a) In the event of insolvency of a health services contractor or health maintenance organization and upon order of the commissioner, all other carriers then having active enrolled participants under a group plan with the affected agreement holder that participated in the enrollment process with the insolvent health services contractor or health maintenance organization at a group's last regular enrollment period shall offer the eligible enrolled participants of the insolvent health services contractor or health maintenance organization the opportunity to enroll in an existing group plan without medical underwriting during a thirty-day open enrollment period, commencing on the date of the insolvency. Eligible enrolled participants shall not be subject to preexisting condition limitations except to the extent that a waiting period for a preexisting condition has not been satisfied under the insolvent carrier's group plan. An open enrollment shall not be required where the agreement holder participates in a self-insured, self-funded, or other health plan exempt from commissioner rule, unless the plan administrator and agreement holder voluntarily agree to offer a simultaneous open enrollment and extend coverage under the same enrollment terms and conditions as are applicable to carriers under this title and rules adopted under this title. If an exempt plan was offered during the last regular open enrollment period, then the carrier may offer the agreement holder the same coverage as any self-insured plan or plans offered by the agreement holder without regard to coverage, benefit, or provider requirements mandated by this title for the duration of the current agreement period.

(b) For purposes of this subsection only, the term 'carrier' means a health maintenance organization or a health care services contractor. In the event of insolvency of a carrier and if no other carrier has active enrolled participants under a group plan with the affected agreement holder, or if the commissioner determines that the other carriers lack sufficient health care delivery resources to assure that health services will be available or accessible to all of the group enrollees of the insolvent carrier, then the commissioner shall allocate equitably the insolvent carrier's group agreements for these groups among all carriers that operate within a portion of the insolvent carrier's area, taking into consideration the health care delivery resources of each carrier. Each carrier to which a group or groups are allocated shall offer the agreement holder, without medical underwriting, the carrier's existing coverage that is most similar to each group's coverage with the insolvent carrier at rates determined in accordance with the successor carrier's existing rating methodology. The eligible enrolled participants shall not be subject to preexisting condition limitations except to the extent that a waiting period for a preexisting condition has not been satisfied under the insolvent carrier's group plan. No offering by a carrier shall be required where the agreement holder participates in a self-insured, self-funded, or other health plan exempt from commissioner rule. The carrier may offer the agreement holder the same coverage as any self-insured plan or plans offered by the agreement holder without regard to coverage, benefit, or provider requirements mandated by this title for the duration of the current agreement period.

(2) The commissioner shall also allocate equitably the insolvent carrier's nongroup enrolled participants who are unable to obtain coverage among all carriers that operate within a portion of the insolvent carrier's service area, taking into consideration the health care delivery resources of the carrier. Each carrier to which nongroup enrolled participants are allocated shall offer the nongroup enrolled participants the carrier's existing comprehensive conversion plan, without additional medical underwriting, at rates determined in accordance with the successor carrier's existing rating methodology. The eligible enrolled participants shall not be subject to preexisting condition limitations except to the extent that a waiting period for a preexisting condition has not been satisfied under the insolvent carrier's plan.

(3) Any agreements covering participants allocated pursuant to subsections (1)(b) and (2) of this section to carriers pursuant to this section may be rerated after ninety days of coverage.

(4) A limited health care service contractor shall not be required to offer services other than its one limited health care service to any enrolled participant of an insolvent carrier.

Sec. 9, Section 4, chapter 197, Laws of 1961 as amended by section 2, chapter 87, Laws of 1965 and RCW 48.44.070 are each amended to read as follows:

(1) Forms of contracts between health care service contractors and ((participants)) participating providers shall be filed with the insurance commissioner prior to use.

(2) Any contract form not affirmatively disapproved within fifteen days of filing shall be deemed approved, except that the commissioner may extend the approval period an additional fifteen days upon giving notice before the expiration of the initial fifteen-day period. The commissioner may approve such a contract form for immediate use at any time. Approval may be subsequently withdrawn for cause.

(3) Subject to the right of the health care service contractor to demand and receive a hearing under chapters 48.04 and 34.05 RCW, the commissioner may disapprove such a contract form if it is in any respect in violation of this chapter or if it fails to conform to minimum provisions or standards required by the commissioner by rule under chapter 34.05 RCW.

Sec. 10. Section 5, chapter 197, Laws of 1961 as last amended by section 4, chapter 223, Laws of 1986 and RCW 48.44.080 are each amended to read as follows:

Every health care service contractor shall file with its annual statement with the insurance commissioner a master list of the ((participants)) participating providers with whom or with which such health care service contractor has executed contracts of participation, certifying that each such ((participant)) participating provider has executed such contract of participation. The health care service contractor shall on the first day of each month notify the insurance commissioner in writing in case of the termination of any such contract, and of any ((participant)) participating provider who has entered into a participating contract during the preceding month.

NEW SECTION, Sec. 11. A new section is added to chapter 48.44 RCW to read as follows:

Each health care service contractor shall have a plan for handling insolvency that allows for continuation of benefits for the duration of the contract period for which premiums have been paid and continuation of benefits to members who are confined on the date of insolvency in an inpatient facility until their discharge or expiration of benefits. The commissioner shall approve such a plan if it includes:

(1) Insurance to cover the expenses to be paid for continued benefits after insolvency;

(2) Provisions in provider contracts that obligate the provider to provide services for the duration of the period after the health care service contractor's insolvency for which premium payment has been made and until the enrolled participants are discharged from inpatient facilities;

(3) Use of insolvency reserves established under RCW 48.44.030;

(4) Acceptable letters of credit or approved surety bonds; or

(5) Any other arrangements the commissioner and the organization mutually agree are appropriate to assure that the benefits are continued."

On page 1, line 2 of the title, after "contractors;" strike the remainder of the title and insert "amending RCW 48.44.010, 48.44.020, 48.44.026, 48.44.070, 48.44.080, and 48.80.030; and adding new sections to chapter 48.44 RCW."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Dellwo moved that the House do concur in the Senate amendments to Substitute House Bill No. 3002.

Mr. Dellwo spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 3002 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3002 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickie, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Todd, Vekich - 2.

Excused: Representatives Belcher, Phillips - 2.

Substitute House Bill No. 3002 as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 1:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 1:30 p.m.

Representatives Vekich and Todd appeared at the bar of the House.

MESSAGE FROM THE SENATE

March 5, 1990

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5487,
THIRD SUBSTITUTE SENATE BILL NO. 5550,
SENATE BILL NO. 5712,
SECOND SUBSTITUTE SENATE BILL NO. 5835,
SECOND SUBSTITUTE SENATE BILL NO. 5845,
SECOND SUBSTITUTE SENATE BILL NO. 5996,
SENATE BILL NO. 6172,
SUBSTITUTE SENATE BILL NO. 6191,
SUBSTITUTE SENATE BILL NO. 6290,
SUBSTITUTE SENATE BILL NO. 6358,
SUBSTITUTE SENATE BILL NO. 6377,
SUBSTITUTE SENATE BILL NO. 6447,
SUBSTITUTE SENATE BILL NO. 6452,
SENATE BILL NO. 6464,
SUBSTITUTE SENATE BILL NO. 6473,
SENATE BILL NO. 6562.

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2122 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 4, chapter 524, Laws of 1987 and RCW 13.34.060 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. A child taken by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070 shall be placed in shelter care only when permitted under RCW 13.34.055. 'Shelter care' means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to that section. Whenever a child is taken into such custody pursuant to this section, the supervising agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing. The court shall hold a shelter care hearing (~~if one is requested~~) within seventy-two hours after the child is taken into custody, excluding Saturdays, Sundays, and holidays. If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, that such waiver is knowing and voluntary.

(2) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has

been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parents, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title as soon as possible and in no event longer than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody. The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

The written notice of custody and rights shall be in substantially the following form:

NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody. You should call the court at...(insert appropriate phone number here)... for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact:...(explain local procedure)....

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are:...(insert name and telephone number)....

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(3) If child protective services is not required to give notice under subsection (2) of this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

((3)) (4) Reasonable efforts to advise and to give notice, as required in subsections (2) and (3) of this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the juvenile court counselor or caseworker shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

(5) At the commencement of the shelter care hearing the court shall advise the parties of their basic rights as provided in RCW 13.34.090 and shall appoint counsel pursuant to RCW 13.34.090 if counsel has not been retained by the parent or guardian and if the parent or guardian is indigent, unless the court finds that the right to counsel has been expressly and voluntarily waived in court.

((4)) (6) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall make an express finding as to whether the notice required under subsections (2) and (3) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

((5)) (7) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care, except that such recommendation shall be submitted by the department of social and health services in cases where the petition alleging

dependency has been filed by the department of social and health services, unless otherwise ordered by the court.

~~((6))~~ (8) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(a) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(b)(i) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(ii) The release of such child would present a serious threat of substantial harm to such child; or

(iii) The parent, guardian, or custodian to whom the child could be released is alleged to have violated RCW 9A.40.060 or 9A.40.070.

If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. The court shall enter a finding as to whether subsections (2) and (3) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.

~~((7))~~ (9) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

~~((8))~~ (10) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be detained for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(11) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. The hearing shall be held within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

Sec. 2. Section 6, chapter 160, Laws of 1913 as last amended by section 2, chapter 194, Laws of 1988 and RCW 13.34.070 are each amended to read as follows:

(1) Upon the filing of the petition, the clerk of the court shall issue a summons, one directed to the child, if the child is twelve or more years of age, and another to the parents, guardian, or custodian, and such other persons as appear to the court to be proper or necessary parties to the proceedings, requiring them to appear personally before the court at the time fixed to hear the petition. If the child is developmentally disabled and not living at home, the notice shall be given to the child's custodian as well as to the child's parent. The developmentally disabled child shall not be required to appear unless requested by the court. Where the custodian is summoned, the parent or guardian or both shall also be served with a summons. The fact-finding hearing on the petition shall be held no later than seventy-five days after the filing of the petition, unless exceptional reasons for a continuance are found. The party requesting the continuance shall have the burden of proving by a preponderance of the evidence that exceptional circumstances do exist. To ensure that the hearing on the petition occurs within the seventy-five day time limit, the court shall schedule and hear the matter on an expedited basis.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall advise the parties of the right to counsel. The summons shall also inform the child's parent, guardian, or legal custodian of his or right to appointed counsel, if indigent, and of the procedure to use to secure appointed counsel.

(4) The judge may endorse upon the summons an order directing any parent, guardian, or custodian having the custody or control of the child to bring the child to the hearing.

(5) If it appears from affidavit or sworn statement presented to the judge that there is probable cause for the issuance of a warrant of arrest or that the child needs to be taken into custody pursuant to RCW 13.34.050, the judge may endorse upon the summons an order that an officer serving the summons shall at once take the child into custody and take him to the place of shelter designated by the court.

(6) If the person summoned as provided in this section is subject to an order of the court pursuant to subsection (4) or (5) of this section, and if the person fails to abide by the order, he may be proceeded against as for contempt of court. The order endorsed upon the summons shall conspicuously display the following legend:

NOTICE:
 VIOLATION OF THIS ORDER
 IS SUBJECT TO PROCEEDING
 FOR CONTEMPT OF COURT
 PURSUANT TO RCW 13.34.070.

(7) If a party to be served with a summons can be found within the state, the summons shall be served upon the party personally ((at least five)) as soon as possible following the filing of the petition, but in no case later than fifteen court days before the fact-finding hearing, or such time as set by the court. If the party is within the state and cannot be personally served, but the party's address is known or can with reasonable diligence be ascertained, the summons may be served upon the party by mailing a copy thereof by certified mail ((at least ten)) as soon as possible following the filing of the petition, but in no case later than fifteen court days before the hearing, or such time as set by the court. If a party other than the child is without the state but can be found or the address is known, or can with reasonable diligence be ascertained, service of the summons may be made either by delivering a copy thereof to the party personally or by mailing a copy thereof to the party by certified mail at least ten court days before the fact-finding hearing, or such time as set by the court.

(8) Service of summons may be made under the direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department of social and health services social worker.

(9) In any proceeding brought under this chapter where the court knows or has reason to know that the child involved is a member of an Indian tribe, notice of the pendency of the proceeding shall also be sent by registered mail, return receipt requested, to the child's tribe. If the identity or location of the tribe cannot be determined, such notice shall be transmitted to the secretary of the interior of the United States.

Sec. 3. Section 7, chapter 160, Laws of 1913 as last amended by section 1, chapter 201, Laws of 1988 and RCW 13.34.080 are each amended to read as follows:

In a dependency case where it appears by the petition or verified statement, that the person standing in the position of natural or legal guardian of the person of any child, is a non-resident of this state, or that the name or place of residence or whereabouts of such person is unknown, as well as in all cases where, after due diligence, the officer has been unable to make service of the summons or notice provided for in RCW 13.34.070, and a copy of the notice has been deposited in the post office, postage prepaid, directed to such person at his last known place of residence, the court shall direct the clerk to publish notice in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, with the first publication of the notice to be at least twenty-five days prior to the date fixed for the hearing. If the parent, guardian, or legal custodian is believed to be a resident of another state or a county other than the county in which the petition has been filed, notice also shall be published in the county in which the parent, guardian, or legal custodian is believed to reside. Additionally, publication may proceed simultaneously with efforts to provide personal service or service by mail for good cause shown, when there is reason to believe that personal service or service by mail will not be successful. Such notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known, or if unknown, the phrase 'To whom it may concern' shall be used and apply to, and be binding upon, any such persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition, the date of hearing, and the object of the proceeding in general terms shall be set forth, and the whole shall be subscribed by the clerk. There shall be filed with the clerk an affidavit showing due publication of the notice, and the cost of publication shall be paid by the county at not to exceed the rate paid by the county for other legal notices. The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section.

Sec. 4. Section 37, chapter 291, Laws of 1977 ex. sess. as amended by section 42, chapter 155, Laws of 1979 and RCW 13.34.090 are each amended to read as follows:

(1) Any party has a right to be represented by an attorney in all proceedings under this chapter, to introduce evidence, to be heard in his or her own behalf, to examine witnesses, to receive a decision based solely on the evidence adduced at the hearing, and to an unbiased fact-finder.

(2) At all stages of a proceeding in which a child is alleged to be dependent pursuant to RCW 13.34.030(2), the child's parent ((or)), guardian, or legal custodian has the right to be represented by counsel, and if indigent, to have counsel appointed for him or her by the court. Unless waived in court, counsel shall be provided to the child's parent, guardian, or legal custodian, if such person (a) has appeared in the proceeding or requested the court to appoint counsel and (b) is financially unable to obtain counsel because of indigency as defined in chapter 10.101 RCW.

(3) If a party to an action under this chapter is represented by counsel, no order shall be provided to that party for his or her signature without prior notice and provision of the order to counsel.

(4) Copies of department of social and health services or supervising agency records to which parents have legal access pursuant to chapter 13.50 RCW shall be given to the child's parent, guardian, legal custodian, or his or her legal counsel, within twenty days after the department or supervising agency receives a written request for such records from the parent, guardian, legal custodian, or his or her legal counsel. These records shall be provided to the child's parents, guardian, legal custodian, or legal counsel prior to the shelter care hearing in order to allow an opportunity to review the records prior to the hearing. These records shall be legible and shall be provided at no expense to the parents, guardian, legal custodian, or his or her counsel.

Sec. 5. Section 17, chapter 17, Laws of 1989 1st ex. sess. and RCW 13.34.130 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that:

(i) There is no parent or guardian available to care for such child;

(ii) The child is unwilling to reside in the custody of the child's parent, guardian, or legal custodian;

(iii) The parent, guardian, or legal custodian is not willing to take custody of the child;

(iv) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or

(v) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.

(2) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(a) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

(b) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(c) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(d) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(3) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct

necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

(4) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 6. Section 15, chapter 160, Laws of 1913 as amended by section 43, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.150 are each amended to read as follows:

Any order made by the court in the case of a dependent child may ~~((at any time))~~ be changed, modified, or set aside, ~~((as to the judge may seem meet and proper))~~ only upon a showing of a change in circumstance.

Sec. 7. Section 46, chapter 291, Laws of 1977 ex. sess. as last amended by section 2, chapter 201, Laws of 1988 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 by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(7), 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 whereabouts of the child's

parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: ... (explain local procedure)...

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call ... (insert agency) ... for more information about your child. The agency's name and telephone number are ... (insert name and telephone number) ...

Sec. 8, Section 8, chapter 155, Laws of 1979 as amended by section 11, chapter 288, Laws of 1986 and RCW 13.50.010 are each amended to read as follows:

(1) For purposes of this chapter:

(a) 'Juvenile justice or care agency' means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, and persons or public or private agencies having children committed to their custody;

(b) 'Official juvenile court file' means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) 'Social file' means the juvenile court file containing the records and reports of the probation counselor;

(d) 'Records' means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court, upon proof presented, to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to insure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment, or to individuals or agencies engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). Access to records or information for research purposes

shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the juvenile disposition standards commission under RCW 13.40.025 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

Sec. 9. Section 10, chapter 155, Laws of 1979 as amended by section 20, chapter 191, Laws of 1983 and RCW 13.50.100 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the state-wide juvenile court information system.

(4) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile; or

(c) That the department of social and health services may delete the name and identifying information regarding persons or organizations who have reported suspected child abuse or neglect.

(5) A juvenile or his or her parent denied access to any records following an agency determination under subsection (4) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsections (4) (a) and (b) of this section.

(6) The person making a motion under subsection (5) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(7) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (4) of this section.

(8) Information concerning a juvenile or a juvenile's family contained in records covered by this section may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

Sec. 10. Section 4, chapter 183, Laws of 1985 and RCW 26.44.115 are each amended to read as follows:

If a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050, the child protective services worker shall take reasonable steps to advise the parents immediately, regardless of the time of day, that the child has been taken into custody, the reasons why the child was taken into custody, and general information about the child's placement. ~~(Notice may be given by any means reasonably certain of notifying the parents, including but not limited to, written, telephonic, or in-person oral notification. If the initial notification is provided by a means other than writing, the information shall also be provided to the parent in writing as soon thereafter as possible.)~~ The department shall comply with RCW 13.34.060 when providing notice under this section.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 2 of the title, after "rights;" strike the remainder of the title and insert "amending RCW 13.34.060, 13.34.070, 13.34.080, 13.34.090, 13.34.130, 13.34.150, 13.34.180, 13.50.010, 13.50.100, and 26.44.115; and creating a new section."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jesernig moved that the House refuse to concur in the Senate amendments to Second Substitute House Bill No. 2122 and ask the Senate for a conference thereon.

Mr. Hargrove spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Appelwick, Hargrove and Silver as conferees on Second Substitute House Bill No. 2122.

SENATE AMENDMENT TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2373 with the following amendment:

On page 2, line 19, after "39.44.200" and before the period insert "and shall report the local government's outstanding indebtedness compared to any applicable limitations on indebtedness, including RCW 35.42.200, 39.30.010, and 39.36.020"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Wang moved that the House do concur in the Senate amendment to House Bill No. 2373.

Mr. Wang spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 2373 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2373 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Belcher, Phillips - 2.

House Bill No. 2373 as amended by the Senate, having received the constitutional majority, was declared passed.

MOTION

On motion of Ms. Cole, Representative Raiter was excused.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2411 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 106, Laws of 1975-'76 2nd ex. sess. as amended by section 17, chapter 107, Laws of 1988 and RCW 41.04.205 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 41.04.180, the employees, with their dependents, of any county, municipality, or other political subdivision of this state shall be eligible to participate in any insurance or self-insurance program administered under chapter 41.05 RCW if the legislative authority of any such county, municipality, or other political subdivisions of this state determines a transfer to an insurance or self-insurance program administered under chapter 41.05 RCW should be made: PROVIDED, That this section shall have no application to members of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW: PROVIDED FURTHER, That in the event of a special district employee transfer pursuant to this section, members of the governing authority shall be eligible to be included in such transfer if such members are authorized by law as of June 25, 1976 to participate in the insurance program being transferred from and subject to payment by such members of all costs of insurance for members: (~~PROVIDED FURTHER, That contributions by any county, municipality, or other political subdivision to which coverage is extended after October 1, 1988, shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date upon which coverage is extended~~).

(2) When the legislative authority of a county, municipality, or other political subdivision determines to so transfer, the state health care authority shall:

(a) Establish the conditions under which the transfer may be made, which shall include the requirements that:

- (i) All the eligible employees of the political subdivision transfer as a unit, and
- (ii) The political subdivision involved obligate itself to make employer contributions in an amount at least equal to those provided by the state as employer; and
- (b) Hold public hearings on the application for transfer; and
- (c) Have the sole right to reject the application.

Approval of the application by the state health care authority shall effect a transfer of the employees involved to the insurance, self-insurance, or health care program applied for.

Sec. 2. Section 3, chapter 107, Laws of 1988 and RCW 41.05.011 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

- (1) 'Administrator' means the administrator of the authority.
- (2) 'State purchased health care' or 'health care' means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.
- (3) 'Authority' means the Washington state health care authority.
- (4) 'Insuring entity' means an insurance carrier as defined in chapter 48.21 or 48.22 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.
- (5) 'Flexible benefit plan' means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.
- (6) 'Employee' includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. 'Employee' also includes employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state (~~transfers any of its insurance programs to an insurance program administered by the authority pursuant to~~) seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205, and employees of a school district if the board of directors of the school district seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority as provided in RCW 28A.58.420.
- (7) 'Board' means the state employees' benefits board established under RCW 41.05.055.

Sec. 3. Section 4, chapter 107, Laws of 1988 and RCW 41.05.021 are each amended to read as follows:

The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The primary duties of the authority shall be to administer state employees' insurance benefits and to study state-purchased health care programs in order to maximize cost containment in these programs while

ensuring access to quality health care. The authority's duties include, but are not limited to, the following:

(1) To administer a health care benefit program for employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter:

(2) To analyze ~~((the))~~ state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(a) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(b) Utilization of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods;

(c) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(d) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and

(e) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031:

(3) To analyze areas of public and private health care interaction: ~~((and))~~

(4) To provide information and technical and administrative assistance to the board;

(5) To review and approve or deny applications from counties, municipalities, other political subdivisions of the state, and school districts to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205 and 28A.58.420, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(6) To appoint a health care policy technical advisory committee as required by RCW 41.05.150; and

(7) To promulgate and adopt rules consistent with this chapter as described in RCW 41.05.160.

Sec. 4. Section 5, chapter 107, Laws of 1988 and RCW 41.05.031 are each amended to read as follows:

The following state agencies are directed to cooperate with the authority to establish appropriate health care information systems in their programs: The department of social and health services, the department of health, the department of labor and industries, the basic health plan, the department of veterans affairs, the department of corrections, and the superintendent of public instruction.

The authority, in conjunction with these agencies, shall determine:

(1) Definitions of health care services;

(2) Health care data elements common to all agencies;

(3) Health care data elements unique to each agency; and

(4) A mechanism for program and budget review of health care data.

Sec. 5. Section 3, chapter 125, Laws of 1979 and RCW 41.05.090 are each amended to read as follows:

(1) When ((a)) an employee, spouse, or covered dependent becomes ineligible under the state plan and wishes to continue coverage on an individual basis with the same provider under the state plan, such employee, spouse, or covered dependent shall be entitled to immediately transfer and shall not be required to undergo any waiting period before obtaining individual coverage.

(2) Entitlement to a conversion contract under the terms of this section shall not apply to any employee, spouse, or covered dependent who is:

(a) Eligible for federal medicare coverage; or

(b) Covered under another group plan, policy, contract, or agreement providing benefits for hospital or medical care.

(3) Entitlement to conversion under the terms of this section shall not apply to any employee terminated for misconduct, except that conversion shall be offered to the spouse and covered dependents of the terminated employee.

NEW SECTION. Sec. 6. A new section is added to chapter 41.05 RCW to read as follows:

When soliciting proposals for the purpose of awarding contracts for goods or services, the administrator shall, upon written request by the bidder, exempt from public inspection and copying such proprietary data, trade secrets, or other information contained in the bidder's proposal that relate to the bidder's unique methods of conducting business or of determining prices or premium rates to be charged for services under terms of the proposal.

Sec. 7. Section 2, chapter 56, Laws of 1984 as last amended by section 221, chapter 9, Laws of 1989 1st ex. sess. and RCW 48.42.070 are each amended to read as follows:

Every person or organization which seeks sponsorship of a legislative proposal which would mandate a health coverage or offering of a health coverage by an insurance carrier, health care service contractor, or health maintenance organization as a component of individual or group policies, shall submit a report to the legislative committees having jurisdiction, assessing both the social and financial impacts of such coverage, including the efficacy of the treatment or service proposed, according to the guidelines enumerated in RCW 48.42.080. Copies of the report shall be sent to the ~~((state department of health))~~ health care authority for review and comment. The ~~((state department of health))~~ health care authority shall make recommendations based on the report ~~((to the extent requested by the legislative committees))~~. The legislature shall consider the report of the health care authority prior to acting on a legislative proposal that requires or modifies mandated benefits or mandated offerings.

On page 1, line 1 of the title, after "authority;" strike the remainder of the title and insert "amending RCW 41.04.205, 41.05.011, 41.05.021, 41.05.031, 41.05.090, and 48.42.070; and adding a new section to chapter 41.05 RCW."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Day moved that the House do concur in the Senate amendments to House Bill No. 2411.

Mr. Day spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 2411 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2411 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Berozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nedley, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Belcher, Phillips, Raiter - 3.

House Bill No. 2411 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2802 with the following amendments:

Strike everything after the enacting clause and insert the following:

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

(1) Access to and from state-owned and leased facilities favors single-passenger automobiles;

(2) Current state facilities in some cases do not provide sufficient parking to meet the demands created by reliance on the single-occupant automobile;

(3) The costs in traffic congestion, pollution, and building roads and parking facilities to support continued access by single passenger automobiles are escalating;

(4) During construction of the natural resources agencies building the number of parking stalls on the capitol campus will be reduced by six hundred spaces;

(5) Cost-effective alternatives to the single-passenger automobile to provide access to state government are available; and

(6) There is broad consensus among state and local governments to pursue a coordinated approach to managing parking and transportation for state facilities to improve access to these facilities.

Therefore, it is the purpose of sections 1 through 5 of this act to provide the department of general administration with authority to develop parking and transportation management

programs; ensure that access to state government for customers, employees, and visitors is improved; and promote alternatives to the single-occupant automobile.

NEW SECTION, Sec. 2. The definitions set forth in this section apply throughout this chapter.

(1) 'State agency' means any state office, agency, commission, department, board, or institution financed in whole or part from funds appropriated by the legislature, except institutions of higher education.

(2) 'State facilities' means all state-owned and leased facilities except state roads and highways, institutions of higher education, state parks, park and ride facilities, ferry terminals, and state military facilities.

(3) 'Parking and transportation management' means policies and programs designed for the specific users of state facilities and how those users affect local transportation systems.

NEW SECTION, Sec. 3. To carry out the purposes of sections 1 through 4 of this act, the director of general administration shall:

(1) In consultation with state agencies, state employees, local and regional governments, the business community, and other interested groups, develop and implement a comprehensive state agency transportation and parking management program for state facilities;

(2) Implement alternatives to the single-occupant automobile, including but not limited to identifying alternative methods of travel, and programs and facilities and funding sources that support these alternatives;

(3) Provide transportation and parking criteria in the development of new or renovated state facilities, including but not limited to facility siting and design;

(4) Establish standards governing the management and allocation of parking spaces in state-owned and leased parking facilities, among visitors, clients, state employees, and service providers;

(5) Establish a fair and equitable system, considering market rates, of parking rates for users of state-owned and leased facilities;

(6) Establish an operational unit within the department and employ such personnel as are necessary to carry out the purposes of sections 1 through 4 of this act. The program manager is exempt from chapter 41.06 RCW;

(7) Establish necessary rules and procedures for carrying out the purposes of sections 1 through 4 of this act;

(8) Delegate the authority granted to the director under sections 3 and 4 of this act to any agency upon such terms as considered advisable.

NEW SECTION, Sec. 4. The director of general administration shall establish fees and charges for parking and transportation programs. Fees and charges shall be used as follows:

(1) Revenues collected from parking charges on the capitol campus shall be first applied to debt service as specified in the revenue bonds issued for the parking facilities constructed under RCW 79.24.300 through 79.24.340.

(2) The state agency transportation and parking management account is created in the state treasury. Any funds remaining after the debt specified by subsection (1) of this section is satisfied, as well as revenues collected as parking fees at locations other than the capitol campus, and charges from other transportation programs that are part of the state agency transportation and parking management plan shall be paid to the account. The department of general administration shall administer the account, and moneys in the account may be spent only after appropriation.

(3) The account shall be used for the payment of costs, expenses, and charges incurred in the operation and administration of transportation or parking programs administered by the department of general administration, or other state agencies as part of the state agency transportation and parking management program. The programs of the various state agencies shall be treated as separate entities for financial and accounting control. Revenues collected as parking fees or as charges for other transportation programs that are part of the state agency transportation and parking management plan, but that are administered by agencies other than the department of general administration, shall be paid to the account of the agency within the account, and shall be applied to the program from which the revenues were collected.

NEW SECTION, Sec. 5. The director of general administration shall adopt and enforce such rules as may be deemed necessary to accomplish the purpose of sections 1 through 4 of this act.

NEW SECTION, Sec. 6. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, this act shall be null and void.

NEW SECTION, Sec. 7. Sections 1 through 5 of this act are each added to chapter 43.19 RCW.

NEW SECTION, Sec. 8. Section 1, chapter 158, Laws of 1963, section 323, chapter 258, Laws of 1984, section 59, chapter 57, Laws of 1985, section 901, chapter 2, Laws of 1988 ex. sess. and RCW 46.08.172 are each repealed."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "adding new sections to chapter 43.19 RCW; creating a new section; and repealing RCW 46.08.172."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rasmussen moved that the House do concur in the Senate amendments to House Bill No. 2802.

Ms. Rasmussen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 2802 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2802 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Belcher, Phillips, Raiter - 3.

House Bill No. 2802 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2854 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Section 19, chapter 282, Laws of 1986, codified as RCW 36.58.090, established an alternate procedure by which a county was authorized to procure systems and plants for solid waste handling and to contract with private vendors for the design, construction, or operation thereof. Any county with a population of over one hundred thousand that, prior to the effective date of chapter 399, Laws of 1989, complied with the requirements of either (1) section 10 (3), (4), and (5), chapter 399, Laws of 1989, or (2) section 19(3), chapter 282, Laws of 1986, shall be deemed to have complied with the requirements of section 19(3), chapter 282, Laws of 1986.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "thousand;" strike the remainder of the title and insert "creating a new section; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to Substitute House Bill No. 2854.

Ms. Haugen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 2854 as amended by the Senate.

Ms. Haugen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2854 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; nays, 3; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Myers H, Peery, Wang - 3.

Excused: Representatives Belcher, Phillips, Raiter - 3.

Substitute House Bill No. 2854 as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker assumed the Chair.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2917 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 30, Laws of 1971 ex. sess. as last amended by section 1, chapter 113, Laws of 1988 and RCW 18.71A.010 are each amended to read as follows:

(1) ~~'(Physician's) Physician assistant' means a person who is ((enrolled in, or who has satisfactorily completed, a board approved training program designed to prepare persons)) licensed by the board to practice medicine to a limited extent only under the supervision of a physician as defined in chapter 18.71 RCW and who is academically and clinically prepared to provide health care services and perform diagnostic, therapeutic, preventative, and health maintenance services.~~

(2) 'Board' means the board of medical examiners.

(3) 'Practice medicine' shall have the meaning defined in RCW 18.71.011.

(4) 'Secretary' means the secretary of health or the secretary's designee.

(5) 'Department' means the department of health.

Sec. 2. Section 2, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.020 are each amended to read as follows:

(1) The board shall adopt rules ~~((and regulations))~~ fixing the qualifications and the educational and training requirements for persons who may be employed as ~~((physician's))~~ physician assistants or who may be enrolled in any ~~((physician's))~~ physician assistant training program. The requirements shall include completion of an accredited physician assistant training program approved by the board and eligibility to take an examination approved by the board, provided such examination tests subjects substantially equivalent to the curriculum of an accredited physician assistant training program. Physician assistants licensed by the board on the effective date of this 1990 act shall continue to be licensed.

(2)(a) The board shall~~((-in-addition-))~~ adopt rules ~~((and regulations))~~ governing the extent to which ~~((physician's))~~ physician assistants:

(i) Physician assistant(s) students may practice medicine during training; and

(ii) Physician assistants may practice after successful completion of a physician assistant training course.

(b) Such ~~((regulations))~~ rules shall provide:

~~((+))~~ (i) That the practice of a ~~((physician's))~~ physician assistant shall be limited to the performance of those services for which he or she is trained; and

~~((+))~~ (ii) That each ~~((physician's))~~ physician assistant shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

Sec. 3. Section 3, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.030 are each amended to read as follows:

A ~~((physician's))~~ physician assistant as defined in this chapter may practice medicine in this state only after authorization by the board and only to the extent permitted by the board. A

~~((physician's))~~ physician assistant shall be subject to discipline under chapter ~~((10-72))~~ 18.130 RCW.

Sec. 4. Section 4, chapter 30, Laws of 1971 ex. sess. as last amended by section 61, chapter 7, Laws of 1985 and by section 113, chapter 259, Laws of 1986 and RCW 18.71A.040 are each reenacted and amended to read as follows:

No physician practicing in this state shall ~~((utilize the services of))~~ employ or supervise a ~~((physician's))~~ physician assistant without the approval of the board.

Any physician licensed in this state may apply to the board for permission to ~~((use the services of))~~ employ or supervise a ~~((physician's))~~ physician assistant. The application shall be jointly submitted by the physician and physician assistant and shall be accompanied by a fee determined by the ~~((director))~~ secretary as provided in RCW ~~((43-24-006))~~ 43.70.250. The joint application shall detail the manner and extent to which the ~~((physician's))~~ physician assistant would ~~((be used))~~ practice and be supervised, shall detail the education, training, and experience of the ~~((physician's))~~ physician assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed ~~((utilization))~~ practice of the ~~((physician's))~~ physician assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed ~~((annually))~~ upon payment of a fee determined by the ~~((director))~~ secretary as provided in RCW ~~((43-24-006))~~ 43.70.250. Whenever it appears to the board that a ~~((physician's))~~ physician assistant is ~~((being utilized))~~ practicing in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with chapter 18.130 RCW.

Sec. 5. Section 5, chapter 30, Laws of 1971 ex. sess. as amended by section 114, chapter 259, Laws of 1986 and RCW 18.71A.050 are each amended to read as follows:

No physician who ~~((uses the services of))~~ supervises a ~~((physician's))~~ physician assistant in accordance with and within the terms of any permission granted by the medical examining board shall be considered as aiding and abetting an unlicensed person to practice medicine: PROVIDED, HOWEVER, That any physician shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.71.010 when performed by a ~~((physician's))~~ physician assistant in ~~((his))~~ the physician's employ.

Sec. 6. Section 6, chapter 30, Laws of 1971 ex. sess. as amended by section 21, chapter 77, Laws of 1973 and RCW 18.71A.060 are each amended to read as follows:

No health care services may be performed under this chapter in any of the following areas:

(1) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(2) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(3) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(4) Nothing in this section shall preclude the performance of routine visual screening.

(5) The practice of dentistry or dental hygiene as defined in chapters 18.32 and 18.29 RCW respectively. The exemptions set forth in RCW 18.32.030, paragraphs (1) and (8), shall not apply to a ~~((physician's))~~ physician assistant.

(6) The practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine.

(7) The practice of podiatry as defined in chapter 18.22 RCW.

Sec. 7. Section 3, chapter 190, Laws of 1975 1st ex. sess. as amended by section 58, chapter 158, Laws of 1979 and RCW 18.71A.070 are each amended to read as follows:

There shall be appointed by the ~~((director of licensing))~~ secretary an agent whose title shall be 'medical practice investigator', who shall have the duty and shall be authorized to enter the clinic, office, or premises where a ~~((physician's))~~ physician assistant is employed for the purpose of inspecting the registration and utilization of any ~~((physician's))~~ physician assistant employed therein. Said investigator may serve and execute any notice or process issued under the authority of this chapter and shall perform any other duty prescribed by the ~~((director))~~ secretary or the board, including assisting other agencies in enforcing the provisions of the law regulating the practice of medicine ~~((PROVIDED, That funds must be included in the department's 1975-77 operational budget for this program))~~.

Sec. 8. Section 69.50.101, chapter 308, Laws of 1971 ex. sess. as last amended by section 429, chapter 9, Laws of 1989 1st ex. sess. and RCW 69.50.101 are each amended to read as follows:

As used in this chapter:

(a) 'Administer' means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner, or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) 'Agent' means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) 'Drug enforcement administration' means the federal drug enforcement administration in the United States Department of Justice, or its successor agency.

(d) 'Controlled substance' means a drug, substance, or immediate precursor in Schedules I through V of Article II.

(e) 'Counterfeit substance' means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) 'Deliver' or 'delivery' means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(g) 'Department' means the department of health.

(h) 'Dispense' means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(i) 'Dispenser' means a practitioner who dispenses.

(j) 'Distribute' means to deliver other than by administering or dispensing a controlled substance.

(k) 'Distributor' means a person who distributes.

(l) 'Drug' means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(m) 'Immediate precursor' means a substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(n) 'Manufacture' means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his or her own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to ~~(his)~~ administering or dispensing of a controlled substance in the course of his or her professional practice, or

(2) by a practitioner, or by ~~(his)~~ an authorized agent under ~~(his)~~ the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(o) 'Marihuana' means all parts of the plant of the genus *Cannabis* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(p) 'Narcotic drug' means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(q) 'Opiate' means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(r) 'Opium poppy' means the plant of the genus *Papaver* L., except its seeds, capable of producing an opiate.

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

(t) 'Poppy straw' means all parts, except the seeds, of the opium poppy, after mowing.

(u) 'Practitioner' means:

(1) A physician under chapter 18.71 RCW, a physician assistant under chapter 18.71A RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a chiroprapist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state of the United States.

(v) 'Production' includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(w) 'Secretary' means the secretary of health or the secretary's designee.

(x) 'State', when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(y) 'Ultimate user' means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

(z) 'Board' means the state board of pharmacy.

NEW SECTION, Sec. 9. Section 2, chapter 233, Laws of 1977 ex. sess., section 7, chapter 322, Laws of 1985 and RCW 18.71A.080 are each repealed.

NEW SECTION, Sec. 10. A new section is added to chapter 18.71A RCW to read as follows:

Any physician assistant acupuncturist currently licensed by the board may continue to perform acupuncture under the physician assistant license as long as he or she maintains licensure as a physician assistant.

Sec. 11. Section 2, chapter 284, Laws of 1961 as last amended by section 1, chapter 116, Laws of 1987 and RCW 18.71.015 are each amended to read as follows:

There is hereby created a board of medical examiners consisting of six individuals licensed to practice medicine in the state of Washington, one individual who is ~~((registered))~~ licensed as a ~~((physician's))~~ physician assistant under chapter 18.71A RCW ~~((who shall be entitled to vote only on matters directly related to physicians' assistants))~~, and ~~((one individual who is not a physician))~~ two individuals who are not physicians, to be known as the Washington state board of medical examiners.

The board shall be appointed by the governor. ~~((The members of the first board shall be appointed within thirty days after March 21, 1961, to serve the following terms: One member for one year, one member for two years, one member for three years, one member for four years, one member for five years, and the physician's assistant for a term of five years, from the date of their appointment, or until their successors are duly appointed and qualified.))~~ On expiration of the term of any member, the governor shall appoint for a period of five years an individual of similar qualifications to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified.

Each member of the board shall be a citizen of the United States, must be an actual resident of this state, and, if a physician, must have been licensed to practice medicine in this state for at least five years.

The board shall meet as soon as practicable after appointment and elect a ~~((chairman))~~ chair and a ~~((secretary))~~ vice-chair from its members. Meetings shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary. A majority of the board members serving shall constitute a quorum for the transaction of board business.

It shall require the affirmative vote of a majority of ~~((the members))~~ a quorum of the board to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize or deny the issuance of any certificate.

Each member of the board shall be compensated in accordance with RCW 43.03.240 and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from funds appropriated to the department ~~((of licensing))~~.

Any member of the board may be removed by the governor for neglect of duty, misconduct, or malfeasance or misfeasance in office.

Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Sec. 12. Section 1, chapter 2, Laws of 1983 as last amended by section 4, chapter 48, Laws of 1988 and RCW 18.71.030 are each amended to read as follows:

Nothing in this chapter shall be construed to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor shall anything in this chapter be construed to prohibit:

(1) The furnishing of medical assistance in cases of emergency requiring immediate attention;

(2) The domestic administration of family remedies;

(3) The administration of oral medication of any nature to students by public school district employees or private elementary or secondary school employees as provided for in chapter 28A.31 RCW, as now or hereafter amended;

(4) The practice of dentistry, osteopathy, osteopathy and surgery, nursing, chiropractic, podiatry, optometry, naturopathy or any other healing art licensed under the methods or means permitted by such license;

(5) The practice of medicine in this state by any commissioned medical officer serving in the armed forces of the United States or public health service or any medical officer on duty with the United States veterans administration while such medical officer is engaged in the performance of the duties prescribed for him or her by the laws and regulations of the United States;

(6) The practice of medicine by any practitioner licensed by another state or territory in which he or she resides, provided that such practitioner shall not open an office or appoint a place of meeting patients or receiving calls within this state;

(7) The practice of medicine by a person who is a regular student in a school of medicine approved and accredited by the board ~~((PROVIDED, HOWEVER, THAT))~~, however, the performance of such services be only pursuant to a regular course of instruction or assignments from his or her instructor, or that such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(8) The practice of medicine by a person serving a period of postgraduate medical training in a program of clinical medical training sponsored by a college or university in this state or by a hospital accredited in this state ~~((PROVIDED, THAT))~~, however, the performance of such services shall be only pursuant to his or her duties as a trainee;

(9) The practice of medicine by a person who is regularly enrolled in a ~~((physician's))~~ physician assistant program approved by the board ~~((PROVIDED, HOWEVER, THAT))~~, however, the performance of such services be only pursuant to a regular course of instruction in said program ~~((AND PROVIDED FURTHER, THAT))~~ and such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(10) The practice of medicine by a ~~((registered physician's))~~ licensed physician assistant which practice is performed under the supervision and control of a physician licensed pursuant to this chapter;

(11) The practice of medicine, in any part of this state which shares a common border with Canada and which is surrounded on three sides by water, by a physician licensed to practice medicine and surgery in Canada or any province or territory thereof;

(12) The administration of nondental anesthesia by a dentist who has completed a residency in anesthesiology at a school of medicine approved by the board of medical examiners ~~((PROVIDED, THAT))~~, however, a dentist allowed to administer nondental anesthesia shall do so only under authorization of the patient's attending surgeon, obstetrician, or psychiatrist ~~((AND PROVIDED FURTHER, THAT))~~ and the medical disciplinary board shall have jurisdiction to discipline a dentist practicing under this exemption and enjoin or suspend such dentist from the practice of nondental anesthesia according to the provisions of chapter 18.72 RCW and chapter 18.130 RCW;

(13) Emergency lifesaving service rendered by a physician's trained mobile intravenous therapy technician, by a physician's trained mobile airway management technician, or by a physician's trained mobile intensive care paramedic, as defined in RCW 18.71.200, if the emergency lifesaving service is rendered under the responsible supervision and control of a licensed physician;

(14) The provision of clean, intermittent bladder catheterization for students by public school district employees or private school employees as provided for in RCW 18.88.295 and 28A.31.160."

On page 1, line 1 of the title, after "assistance," strike the remainder of the title and insert "amending RCW 18.71A.010, 18.71A.020, 18.71A.030, 18.71A.050, 18.71A.060, 18.71A.070, 69.50.101, 18.71.015, and 18.71.030; reenacting and amending RCW 18.71A.040; adding a new section to chapter 18.71A RCW; and repealing RCW 18.71A.080."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2917. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2917 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2917 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Horn, Wood - 2.

Excused: Representatives Belcher, Phillips, Raiter - 3.

Engrossed Substitute House Bill No. 2917 as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

I would have voted "Yea" on final passage of Engrossed Substitute House Bill No. 2917 as amended by the Senate.

JIM HORN, 41st District.

I would have voted "Yes" on final passage of Engrossed Substitute House Bill No. 2917 as amended by the Senate.

JEANNETTE WOOD, 21st District.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2808 with the following amendments:

On page 1, after line 13 insert the following:

"Sec. 2, Section 10, chapter 299, Laws of 1961 as last amended by section 6, chapter 227, Laws of 1989 and RCW 3.34.010 are each amended to read as follows:

The number of district judges to be elected in each county shall be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, one; Ferry, two; Franklin, one; Garfield, one; Grant, one; Grays Harbor, two; Island, three; Jefferson, one; King, twenty-four; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two; Pacific, ((three)) two; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, eight; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six: PROVIDED, That this number may be increased in accordance with a resolution of the county commissioners under RCW 3.34.020."

On page 1, line 2 of the title, after "2.24.010" insert "and 3.34.010" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

POINT OF ORDER

Mr. Appelwick: Would you rule on the scope and object of the Senate amendment to House Bill No. 2808?

ANNOUNCEMENT BY THE SPEAKER

The Speaker deferred further consideration of House Bill No. 2808.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2555 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The following acts or parts of acts are each repealed:

- (1) Section 15.52.050, chapter 11, Laws of 1961 and RCW 15.52.050;
- (2) Section 15.52.060, chapter 11, Laws of 1961 and RCW 15.52.060;
- (3) Section 15.52.070, chapter 11, Laws of 1961 and RCW 15.52.070;
- (4) Section 15.52.080, chapter 11, Laws of 1961 and RCW 15.52.080;
- (5) Section 15.52.090, chapter 11, Laws of 1961 and RCW 15.52.090;
- (6) Section 15.52.100, chapter 11, Laws of 1961 and RCW 15.52.100;
- (7) Section 15.52.110, chapter 11, Laws of 1961 and RCW 15.52.110;
- (8) Section 15.52.120, chapter 11, Laws of 1961 and RCW 15.52.120;
- (9) Section 15.52.130, chapter 11, Laws of 1961 and RCW 15.52.130;
- (10) Section 15.52.140, chapter 11, Laws of 1961 and RCW 15.52.140;
- (11) Section 15.52.150, chapter 11, Laws of 1961 and RCW 15.52.150;
- (12) Section 15.52.160, chapter 11, Laws of 1961 and RCW 15.52.160;
- (13) Section 15.52.170, chapter 11, Laws of 1961 and RCW 15.52.170;
- (14) Section 15.52.180, chapter 11, Laws of 1961 and RCW 15.52.180;
- (15) Section 15.52.320, chapter 11, Laws of 1961, section 2, chapter 57, Laws of 1985, section 4, chapter 254, Laws of 1988 and RCW 15.52.320;
- (16) Section 15.52.330, chapter 11, Laws of 1961 and RCW 15.52.330;
- (17) Section 15.52.340, chapter 11, Laws of 1961 and RCW 15.52.340; and
- (18) Section 15.52.900, chapter 11, Laws of 1961 and RCW 15.52.900.

Sec. 2. Section 15.52.010, chapter 11, Laws of 1961 and RCW 15.52.010 are each amended to read as follows:

As used in this chapter:

'Domestic animals' includes all species of animals and fowls under control of man and adapted to his use or pleasure;

~~('Label' means any written, printed, or graphic matter upon any can, sack, or any other container of livestock remedy;)~~

'Livestock remedies' includes all ~~((foods;))~~ medicines and other substances sold as preventive, inhibitive, or curative medicines, or for their stimulating, invigorating or other powers, for domestic animals ~~(- as such remedies are defined in the United States Pharmacopoeia;~~

~~Exclusive of the definitions provided herein, the definitions of livestock remedies shall be as defined in the official publication of the Pharmacopoeia of the United States of America as of June 1, 1949. The director is hereby authorized to amend, revise, or add to said definitions and methods of analysis whenever he shall find the same to be necessary to prevent misbranding, adulteration or other deviation from the standards prescribed by this chapter).~~

NEW SECTION. Sec. 3. A new section is added to chapter 15.52 RCW to read as follows:

(1) The director shall, upon recommendation of the dairy products commission, examine the potential impact of livestock remedies, which, if used in dairy operations, may affect consumer acceptance and purchases of dairy products and shall monitor the use of such livestock remedies by producers.

(2) The director may adopt rules temporarily restricting the use of such livestock remedies by producers if the commission finds that its use has caused or will cause the consumption of dairy products in this state to be reduced significantly and poses a threat to the economic vitality of the dairy industry in this state.

(3) Rules adopted under this section shall remain in force only as long as necessary to achieve consumer acceptance of livestock remedies being restricted under this section. Such rules shall not pertain to agricultural commodities that are used as feed by dairy producers.

NEW SECTION. Sec. 4. A new section is added to chapter 15.52 RCW to read as follows:

Every person who fails to comply with section 3 of this act or the rules adopted under it may be subjected to a civil penalty, as determined by the director, in an amount of not more than five thousand dollars for every such violation. Each and every such 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 section and may be subject to the civil penalty herein provided.

NEW SECTION. Sec. 5. RCW 15.52.010 and sections 3 and 4 of this act shall expire on June 30, 1993."

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "amending RCW 15.52.010; adding new sections to chapter 15.52 RCW; repealing RCW 15.52.050, 15.52.060, 15.52.070, 15.52.080, 15.52.090, 15.52.100, 15.52.110, 15.52.120, 15.52.130, 15.52.140, 15.52.150, 15.52.160, 15.52.170, 15.52.180, 15.52.320, 15.52.330, 15.52.340, and 15.52.900; and providing an expiration date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

POINT OF ORDER

Ms. Cantwell: Mr. Speaker, I ask you to rule on the scope and object of the Senate amendment.

ANNOUNCEMENT BY THE SPEAKER

The Speaker deferred further consideration of House Bill No. 2555.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5340 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators von Reichbauer, Warnke and Johnson, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Dellwo moved that the House grant the request of the Senate for a conference on Substitute Senate Bill No. 5340. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Dellwo, Zellinsky and Schmidt as conferees on Substitute House Bill No. 5340.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 6306 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Saling, Bauer and Amondson, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Spanel moved that the House grant the request of the Senate for a conference on Substitute Senate Bill No. 6306. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Bennett, Jacobsen and Miller as conferees on Substitute House Bill No. 6306.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 6411 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Lee, Smitherman and Saling, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Cantwell moved that the House grant the request of the Senate for a conference on Engrossed Senate Bill No. 6411. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Cantwell, Rector and Doty as conferees on Engrossed Senate Bill No. 6411.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 6626 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Saling, Bauer and von Reichbauer, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Spanel moved that the House grant the request of the Senate for a conference on Substitute Senate Bill No. 6626. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Jacobsen, Heavey and Van Luven as conferees on Substitute House Bill No. 6626.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 6780 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Barr, Madsen and Newhouse, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Leonard moved that the House insist on its position regarding the House amendments to Second Substitute Senate Bill No. 6780 and again ask the Senate to concur therein. The motion was carried.

HOUSE BILL NO. 2808, by Representatives H. Myers and Appelwick

Changing the requirements for appointing court commissioners.

The House resumed consideration of the Senate amendments to House Bill No. 2808. (For previous action, see today's Journal.)

The Speaker stated the question before the House to be the Point of Order by Representative Appelwick regarding the scope and object of the Senate amendments.

SPEAKER'S RULING

The Speaker: The Speaker has examined House Bill No. 2808 and the Senate amendments, on which Representative Appelwick raised a Point of Order a few minutes ago. The scope and object of House Bill No. 2808 is very narrow, dealing only with residency requirements for superior court commissioners. The Senate amendments reduce the number of district court judges in Pacific County. The Speaker finds that this amendment clearly does change the scope and object of House Bill No. 2808. Your point, Representative Appelwick, is well taken.

At this point, the Speaker would remind the House of the effect of this ruling. House Rule 12(C) provides that, when a Senate amendment changes the scope and object and object of a House Bill, the bill shall be referred to the appropriate House committee, unless a motion to not concur is adopted prior to such referral. In other words, a motion to concur in the Senate amendments is not in order at this point. It is not in order because the Speaker has already ruled that amendment not acceptable; it is outside the scope and object of the original House bill. The only motion which may be considered now is a motion to not concur in the Senate amendments. If no member offers that motion, or if the motion to not concur is

defeated, Rule 12(C) requires that the bill be referred to the appropriate committee. The effect of that action at this point in session would be to send the bill to committee, and we are past the cut-off date, so the bill would not be heard from again.

MOTION

Mr. Appelwick moved that the House refuse to concur in the Senate amendments to House Bill No. 2808 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2403 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 504, Laws of 1987 and RCW 43.105.005 are each amended to read as follows:

It is ~~((the))~~ a purpose of this chapter to provide for coordinated planning and management of state information services. The legislature recognizes that information systems, telecommunications, equipment, software, and services must satisfy the needs of end users and that many appropriate and cost-effective alternatives exist for meeting these needs, such as shared mainframe computing, shared voice, data, and video telecommunications services, local area networks, departmental minicomputers, and microcomputers.

Sec. 2. Section 2, chapter 504, Laws of 1987 and RCW 43.105.017 are each amended to read as follows:

It is the intent of the legislature that:

- (1) State government use voice, data, and video telecommunications technologies to:
 - (a) Transmit and increase access to live, interactive classroom instruction and training;
 - (b) Provide for interactive public affairs presentations, including a public forum for state and local issues;
 - (c) Facilitate communications and exchange of information among state and local elected officials and the general public;
 - (d) Enhance state-wide communications within state agencies; and
 - (e) Through the use of telecommunications, reduce time lost due to travel to in-state meetings;

(2) Information be shared and administered in a coordinated manner, except when prevented by agency responsibilities for security, privacy, or confidentiality;

~~((2))~~ (3) The primary responsibility for the management and use of information, information systems, telecommunications, equipment, software, and services rests with each agency;

~~((3))~~ (4) Resources be used in the most efficient manner and services be shared when cost-effective;

~~((4))~~ (5) A structure be created ~~((a))~~ to:

(a) Plan and manage telecommunications and computing networks~~((:));~~

(b) ~~((to))~~ Increase agencies' awareness of information sharing opportunities~~((:));~~ and

(c) ~~((to))~~ Assist agencies in implementing such possibilities;

~~((5))~~ (6) An acquisition process for equipment, proprietary software, and related services be established that meets the needs of the users, considers the exchange of information, and promotes fair and open competition;

~~((6))~~ (7) The state improve recruitment, retention, and training of professional staff. ~~((and))~~

~~((7))~~ (8) Plans, proposals, and acquisitions for information services be reviewed from a financial and management perspective as part of the budget process; and

(9) State government adopt policies and procedures that maximize the use of existing video telecommunications resources, coordinate and develop video telecommunications in a manner that is cost-effective and encourages shared use, and ensure the appropriate use of video telecommunications to fulfill identified needs.

Sec. 3. Section 2, chapter 115, Laws of 1967 ex. sess. as last amended by section 3, chapter 504, Laws of 1987 and RCW 43.105.020 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) 'Department' means the department of information services;

(2) 'Board' means the information services board;

(3) 'Local governments' includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(4) 'Director' means the director of the department;

(5) 'Purchased services' means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(6) 'Backbone network' means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(7) 'Telecommunications' means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(8) 'Information processing' means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(9) 'Information services' means data processing, telecommunications, and office automation;

(10) 'Equipment' means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;

(11) 'Proprietary software' means that software offered for sale or license;

(12) 'Video telecommunications' means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community development under chapter 43.63A RCW.

Sec. 4. Section 5, chapter 219, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 504, Laws of 1987 and RCW 43.105.032 are each amended to read as follows:

(1) There is hereby created the Washington state information services board. The board shall be ~~((composed))~~ comprised of ~~((nine))~~ the members ~~((Seven members shall be appointed by the governor, and serving at the governor's pleasure as follows: Three representatives from cabinet agencies, one representative from higher education, one representative from a noncabinet executive agency, and two representatives from the private sector. One member shall represent the judicial branch and be appointed by the chief justice of the supreme court. One member shall represent the legislative branch and shall be selected by the president of the senate and the speaker of the house of representatives))~~ identified under section 5 of this 1990 act.

~~((These))~~ (2) The members under section 5 of this 1990 act shall constitute the membership of the board with full voting rights. ~~((The director shall be an ex officio, nonvoting member of the board.))~~ The board shall select a chairperson from among its members. A majority of the members of the board shall constitute a quorum for the transaction of business.

(3) Vacancies shall be filled in the same manner ~~((that the original appointments were made))~~ as provided for under RCW 43.105.041.

~~((A majority of the members of the board shall constitute a quorum for the transaction of business.))~~

(4) Members of the board shall be compensated for service on the board in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 5. A new section is added to chapter 43.105 RCW to read as follows:

The members of the information services board established under RCW 43.105.032 shall include:

(1) The chief executive officer from four cabinet agencies, appointed by the governor, one of whom shall be the director of the department of information services;

(2) The superintendent of public instruction;

(3) The executive director of the higher education coordinating board;

(4) The executive director of the state board for community college education;

(5) Two members appointed by the governor to represent the private sector;

(6) One member appointed by the chief justice of the state supreme court to represent the judicial branch; and

(7) Two members representing the legislative branch. One legislator shall be appointed by the president of the senate. One legislator shall be appointed by the speaker of the house of representatives.

Sec. 6. Section 6, chapter 219, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 504, Laws of 1987 and RCW 43.105.041 are each amended to read as follows:

The board shall have the following powers and duties related to information services:

(1) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;

(2) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions

of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection does not apply to the legislative branch:

(3) To develop state-wide or interagency technical policies, standards, and procedures;

(4) To assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(5) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary(;;);

~~((5))~~ (6) To develop and implement a process for the resolution of appeals by:

(a) ~~((7))~~ Vendors concerning the conduct of an acquisition process by an agency or the department; or

(b) ~~((8))~~ A customer agency concerning the provision of services by the department or by other state agency providers;

~~((6))~~ (7) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(a) Planning, management, control, and use of information services;

(b) Training and education; and

(c) Project management;

~~((7))~~ (8) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and

~~((8))~~ (9) To review and approve that portion of the department's budget requests that provides for support to the board(;-and

~~(9) To abolish the use of service center designations and establish necessary policies and standards to allow Washington State University and the department of transportation to continue the practice of providing information services to other agencies and local governments)).~~

Sec. 7. Section 8, chapter 504, Laws of 1987 and RCW 43.105.052 are each amended to read as follows:

The department shall:

(1) Perform all duties and responsibilities the board delegates to the department, including but not limited to:

(a) The review of agency acquisition plans and requests; and

(b) Implementation of state-wide and interagency policies, standards, and guidelines;

(2) Make available information services to state agencies and local governments on a full cost-recovery basis. These services may include, but are not limited to:

(a) Telecommunications services for voice, data, and video;

(b) Mainframe computing services;

(c) Support for departmental and microcomputer evaluation, installation, and use;

(d) Equipment acquisition assistance, including leasing, brokering, and establishing master contracts;

(e) Facilities management services for information technology equipment, equipment repair, and maintenance service;

(f) Negotiate with local cable companies and local governments to provide for connection to local cable services to allow for access to these public and educational channels in the state;

(g) Office automation services;

(h) System development services; and

(i) Training.

These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years;

(3) Establish rates and fees for services provided by the department to assure that the services component of the department is self-supporting. A billing rate plan shall be developed for a two-year period to coincide with the budgeting process. The rate plan shall be subject to review at least annually by the customer oversight committees. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the department and the customer oversight committees. The same rate structure will apply to all user agencies of each cost center. The rate plan and any adjustments to rates shall be approved by the office of financial management. The services component shall not subsidize the operations of the planning component;

(4) With the advice of the information services board and agencies, develop and publish state-wide goals and objectives at least biennially;

(5) Develop plans for the department's achievement of state-wide goals and objectives. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall seek the advice of customer oversight committees and the board in the development of these plans;

(6) Under direction of the information services board and in collaboration with the department of personnel, the higher education personnel board, and other agencies as may be appropriate, develop training plans and coordinate training programs that are responsive to the needs of agencies (in collaboration with the department of personnel and the higher education personnel board);

(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;

(8) Assess agencies' projects, acquisitions, plans, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews;

(9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;

(10) Assist the office of financial management with budgetary and policy review of agency plans for information services;

(11) Provide staff support from the planning component to the board for:

(a) Meeting preparation, notices, and minutes;

(b) Promulgation of policies, standards, and guidelines adopted by the board;

(c) Supervision of studies and reports requested by the board;

(d) Conducting reviews and assessments as directed by the board; ~~((and))~~

(12) Be the lead agency in coordinating video telecommunications services for all state agencies and develop, pursuant to board policies, standards and common specifications for leased and purchased telecommunications equipment. The department shall not evaluate the merits of school curriculum, higher education course offerings, or other education and training programs proposed for transmission and/or reception using video telecommunications resources. Nothing in this section shall abrogate or abridge the legal responsibilities of licensees of telecommunications facilities as licensed by the federal communication commission on the effective date of this section; and

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

NEW SECTION, Sec. 8. A new section is added to Title 28A RCW to read as follows:

The office of the superintendent of public instruction shall provide state-wide coordination of video telecommunications programming for the common schools.

NEW SECTION, Sec. 9. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall provide state-wide coordination of video telecommunications programming for the public four-year higher education institutions.

NEW SECTION, Sec. 10. A new section is added to chapter 28B.50 RCW to read as follows:

The state board for community college education shall provide state-wide coordination of video telecommunications programming for the community college system.

NEW SECTION, Sec. 11. A new section is added to chapter 43.105 RCW to read as follows:

(1) A video telecommunications advisory committee is created to advise the board on video telecommunications issues. The committee shall:

(a) Develop recommendations for the creation and utilization of state-wide video telecommunications resources;

(b) Assist the board in its development of a strategic direction for future state use of video telecommunications and a coordinated program for the state-wide use of video telecommunications;

(c) Develop a plan to encourage collaborative efforts among state agencies, institutions, and schools to make the most cost-effective use of video telecommunications equipment and resources;

(d) Develop recommendations for the board regarding the use of video telecommunications to conduct state business and expand educational opportunities in ways that are consistent with the overall strategic direction for the state-wide use of video telecommunications resources;

(e) In the event funds are made available, develop criteria for selection of pilot projects using video telecommunications in education, training, and the conduct of state business.

(2) The advisory committee shall be composed of fifteen members, to be appointed as follows:

(a) The director of the higher education coordinating board shall appoint:

(i) A representative from the staff of the higher education coordinating board; and

(ii) A representative from an institution of higher education with experience in use of video telecommunications as an instructional medium;

(b) The director of the state board for community college education shall appoint:

- (I) A representative from the staff of the state board for community college education; and
- (ii) A representative from a community college with experience in use of video telecommunications as an instructional medium;
- (c) The superintendent of public instruction shall appoint:
 - (i) A representative from the office of the superintendent of public instruction;
 - (ii) A representative from a school district with experience in use of video telecommunications as an instructional medium;
 - (iii) A representative from an educational service district with experience in coordination of video telecommunications services; and
 - (iv) A representative from a public vocational-technical institute with experience in use of video telecommunications as an instructional medium;
- (d) The director of the office of financial management shall appoint a representative from the office of financial management;
- (e) The director of the department of information services shall appoint:
 - (i) Two representatives of state agencies with experience or interest in the use of video telecommunications to facilitate state business; and
 - (ii) Two private sector representatives with expertise in video communications technology and the use of that technology to facilitate business and expand educational opportunities; and
 - (f) The speaker of the house of representatives and the president of the senate shall each appoint a member of the legislature with interest in the coordinated and collaborative development of state-wide video telecommunications resources.

NEW SECTION. Sec. 12. (1) The information services board shall develop and submit to the legislature and the governor by December 1, 1990, a plan for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.

(2) The plan shall include:

- (a) A review of the findings and recommendations of prior telecommunications studies conducted by the superintendent of public instruction, the higher education coordinating board, the state board for community college education, and the departments of information services and community development;
- (b) A description of the strengths and weaknesses of the current system;
- (c) Recommended system concepts and directions, including a strategic direction for state video telecommunications;
- (d) Coordinated roles, responsibilities, and interrelationships among agencies;
- (e) Policies and procedures for video telecommunications equipment and services; and
- (f) Cost estimates by order of magnitude.

NEW SECTION. Sec. 13. A new section is added to chapter 43.105 RCW to read as follows:

The department of information services and the information services board, respectively, shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of RCW 43.105.005, 43.105.017, 43.105.032, 43.105.041, 43.105.052, and section 5 of this act.

NEW SECTION. Sec. 14. Unless the context clearly requires otherwise, the definitions in this section apply to section 15 of this act:

(1) 'Commercial promotional activity' means an activity designed to induce the purchase of a particular product or service by students, or to extol the benefits of a product or service to students to make its purchase more attractive, that is conveyed to students electronically through such media as television, videodiscs, computer programs, and video cassette recorders.

(2) 'Commercial sponsorship' means the sponsorship or the underwriting of an activity on school premises that does not involve the commercial promotion of a particular product or service.

NEW SECTION. Sec. 15. (1) A school district board of directors may not enter into a contract or agreement that permits commercial promotional activity on school premises if such contract or agreement limits or impairs the board's authority and responsibility, or the authority and responsibility of district administrators and teachers, to determine the materials to be presented to students during the school day or to determine the times during the school day when materials will be presented to students.

(2) A school district board of directors may not enter into a contract or agreement under which students are regularly required to observe, listen to, or read commercial promotional activities.

(3) A contract or agreement that permits commercial promotional activities that was entered into by a school district board of directors before the effective date of this section shall not be renewed by the board.

(4) A school district is not prohibited from offering students the regular study of commercial advertising as an academic subject.

(5) Nothing in this section prohibits commercial sponsorship of school activities.

NEW SECTION. Sec. 16. (1) The superintendent of public instruction shall conduct a study on the impact of televised educational programming in schools that includes and is funded by commercial advertising.

(2) The study shall include those districts and schools in Washington state which have entered into a contract or agreement before the effective date of this section that permits televised educational programming in schools that includes and is funded by commercial advertising.

(3) The study shall also include, to the extent possible, those districts in other states that pilot tested or are using televised educational programming in schools that includes and is funded by commercial advertising.

(4) The study shall include an examination of the impact of such televised educational programming in schools that includes and is funded by commercial advertising on:

(a) Students' knowledge of geography, world events and world problems;

(b) Students' awareness and understanding of other cultures;

(c) Students', teachers', and administrators' feelings about the value of the programming as part of the social studies curriculum; and

(d) Students', parents', teachers', and administrators' feelings about the appropriateness of required viewing of commercial advertising as part of the televised educational programming.

(5) The superintendent of public instruction shall submit a report to the legislature not later than January 15, 1991.

NEW SECTION. Sec. 17. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement sections 14 and 15 of this act.

NEW SECTION. Sec. 18. Sections 14 through 17 of this act shall expire June 30, 1991.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "telecommunications;" strike the remainder of the title and insert "amending RCW 43.105.005, 43.105.017, 43.105.020; 43.105.032, 43.105.041, and 43.105.052; adding a new section to chapter 28B.80 RCW; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 43.105 RCW; adding a new section to Title 28A RCW; creating new sections; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Todd moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 2403 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Rector, Todd and McLean as conferees on Substitute House Bill No. 2403.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 6418 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators West, Kreidler and Barr, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Day moved that the House grant the request of the Senate for a conference on Second Substitute Senate Bill No. 6418. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Braddock, Kirby and Brooks as conferees on Second Substitute Senate Bill No. 6418.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1307 with the following amendments:

On page 2, after line 31, insert the following:

"Sec. 2. Section 2, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 2, chapter 433, Laws of 1987 and RCW 84.36.030 are each amended to read as follows:

The following real and personal property shall be exempt from taxation:

(1) Property owned by nonprofit organizations or associations, organized and conducted for nonsectarian purposes, which shall be used for character-building, benevolent, protective or rehabilitative social services directed at persons of all ages. The sale of donated merchandise shall not be considered a commercial use of the property under this section if the proceeds are devoted to the furtherance of the purposes of the selling organization or association as specified in this paragraph.

(2) Property owned by any nonprofit church, denomination, group of churches, or an organization or association, the membership of which is comprised solely of churches or their qualified representatives, which is utilized as a camp facility if used for organized and supervised recreational activities and church purposes as related to such camp facilities. The exemption provided by this paragraph shall apply to a maximum of two hundred acres of any such camp as selected by the church, including buildings and other improvements thereon.

(3) Property, including buildings and improvements required for the maintenance and safeguarding of such property, owned by nonprofit organizations or associations engaged in character building of boys and girls under eighteen years of age, and used for such purposes and uses, provided such purposes and uses are for the general public good: PROVIDED, That if existing charters provide that organizations or associations, which would otherwise qualify under the provisions of this paragraph, serve boys and girls up to the age of twenty-one years, then such organizations or associations shall be deemed qualified pursuant to this section.

(4) Property owned by all organizations and societies of veterans of any war of the United States, recognized as such by the department of defense, which shall have national charters, and which shall have for their general purposes and objects the preservation of the memories and associations incident to their war service and the consecration of the efforts of their members to mutual helpfulness and to patriotic and community service to state and nation. To be exempt such property must be used in such manner as may be reasonably necessary to carry out the purposes and objects of such societies.

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.

(5) Property owned by all corporations, incorporated under any act of congress, whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

(6) Property owned by nonprofit organizations exempt from federal income tax under section 501(c)(3) of the internal revenue code of 1954, as amended, that are guarantee agencies under the federal guaranteed student loan program or that issue debt to provide or acquire student loans.

(7) To be exempt under this section, the property must be used exclusively for the purposes for which exemption is granted, except as provided in RCW 84.36.805.

Sec. 3, Section 7, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 4, chapter 379, Laws of 1989 and RCW 84.36.805 are each amended to read as follows:

In order to be exempt pursuant to RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480, the nonprofit organizations, associations or corporations shall satisfy the following conditions:

(1) The property is used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemptions under RCW 84.36.030(4) and 84.36.037, the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted;

(2) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the property need not be irrevocably dedicated if it is leased or rented to those qualified for exemption pursuant to RCW 84.36.040 or 84.36.041 or those qualified for exemption as an association engaged in the production or performance of musical, dance, artistic, dramatic, or literary works pursuant to RCW 84.36.060, but only if under the terms of the lease or rental agreement the nonprofit organization, association, or corporation receives the benefit of the exemption;

(3) The facilities and services are available to all regardless of race, color, national origin or ancestry;

(4) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(6) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within the intent of RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480.

NEW SECTION. Sec. 4. Sections 2 and 3 of this act shall not be construed as modifying or affecting any other existing or future exemptions."

On page 1, line 1 of the title, after "taxation;" strike "and" and after "84.48.080" insert ", 84.36.030, and 84.36.805; and creating a new section" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Wang moved that the House refuse to concur in the Senate amendments to House Bill No. 1307 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Wang, Phillips and Holland as conferees on House Bill No. 1307.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2430 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 344, Laws of 1987 as amended by section 1, chapter 347, Laws of 1989 and RCW 19.118.021 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Board' means new motor vehicle arbitration board.

(2) 'Collateral charges' means any sales or lease related charges including but not limited to sales tax, use tax, arbitration service fees, unused license fees, unused registration fees, unused title fees, finance charges, prepayment penalties, credit disability and credit life insurance costs not otherwise refundable, any other insurance costs prorated for time out of service, transportation charges, dealer preparation charges, or any other charges for service contracts, undercoating, rustproofing, or factory or dealer installed options.

(3) 'Condition' means a general problem that results from a defect or malfunction of one or more parts, or their improper installation by the manufacturer, its agents, or the new motor vehicle dealer.

(4) 'Consumer' means any person who has entered into an agreement or contract for the transfer, lease, or purchase of a new motor vehicle, other than for purposes of resale or sublease, during the duration of the warranty period defined under this section.

(5) 'Court' means the superior court in the county where the consumer resides, except if the consumer does not reside in this state, then the superior court in the county where an arbitration hearing or determination was conducted or made pursuant to this chapter.

(6) 'Incidental costs' means any reasonable expenses incurred by the consumer in connection with the repair of the new motor vehicle, including any towing charges and the costs of obtaining alternative transportation.

(7) 'Manufacturer' means any person engaged in the business of constructing or assembling new motor vehicles or engaged in the business of importing new motor vehicles into the United States for the purpose of selling or distributing new motor vehicles to new motor vehicle dealers. Manufacturer does not include any person engaged in the business of set-up of motorcycles as an agent of a new motor vehicle dealer if the person does not otherwise construct or assemble motorcycles.

(8) 'Motorcycle' means any motorcycle as defined in RCW 46.04.330 which has an engine displacement of at least seven hundred fifty cubic centimeters.

((#)) (9) 'New motor vehicle' means any new self-propelled vehicle, including a new motorcycle, primarily designed for the transportation of persons or property over the public highways that, after original retail purchase or lease in this state, was initially registered in this state or for which a temporary motor vehicle license was issued pursuant to RCW 46.16.460, but

does not include vehicles purchased or leased by a business as part of a fleet of ten or more vehicles. If the motor vehicle is a motor home, this chapter shall apply to the self-propelled vehicle and chassis, but does not include those portions of the vehicle designated, used, or maintained primarily as a mobile dwelling, office, or commercial space. The term 'new motor vehicle' does not include motorcycles or trucks with nineteen thousand pounds or more gross vehicle weight rating. The term 'new motor vehicle' includes a demonstrator or lease-purchase vehicle as long as a manufacturer's warranty was issued as a condition of sale.

((+9)) (10) 'New motor vehicle dealer' means a person who holds a dealer agreement with a manufacturer for the sale of new motor vehicles, who is engaged in the business of purchasing, selling, servicing, exchanging, or dealing in new motor vehicles, and who is licensed as a dealer by the state of Washington.

((+0)) (11) 'Nonconformity' means a defect, serious safety defect, or condition that substantially impairs the use, value, or safety of a new motor vehicle, but does not include a defect or condition that is the result of abuse, neglect, or unauthorized modification or alteration of the new motor vehicle.

((+1)) (12) 'Purchase price' means the cash price of the new motor vehicle appearing in the sales agreement or contract, including any allowance for a trade-in vehicle; 'purchase price' in the instance of a lease means the purchase price or value of the vehicle declared to the department of licensing for purposes of tax collection.

Where the consumer is a second or subsequent purchaser, lessee, or transferee and the consumer selects repurchase of the motor vehicle, 'purchase price' means the purchase price of the second or subsequent purchase or lease. Where the consumer is a second or subsequent purchaser, lessee, or transferee and the consumer selects replacement of the motor vehicle, 'purchase price' means the original purchase price.

((+2)) (13) 'Reasonable offset for use' means the definition provided in RCW 19.118.041(1)(c) for a new motor vehicle other than a new motorcycle. The reasonable offset for use for a new motorcycle shall be computed by the number of miles that the vehicle traveled before the manufacturer's acceptance of the vehicle upon repurchase or replacement multiplied by the purchase price, and divided by twenty-five thousand.

((+3)) (14) 'Reasonable number of attempts' means the definition provided in RCW 19.118.041.

((+4)) (15) 'Replacement motor vehicle' means a new motor vehicle that is identical or reasonably equivalent to the motor vehicle to be replaced, as the motor vehicle to be replaced existed at the time of original purchase or lease, including any service contract, undercoating, rustproofing, and factory or dealer installed options.

((+5)) (16) 'Serious safety defect' means a life-threatening malfunction or nonconformity that impedes the consumer's ability to control or operate the new motor vehicle for ordinary use or reasonable intended purposes or creates a risk of fire or explosion.

((+6)) (17) 'Substantially impair' means to render the new motor vehicle unreliable, or unsafe for ordinary use, or to diminish the resale value of the new motor vehicle below the average resale value for comparable motor vehicles.

((+7)) (18) 'Warranty' means any implied warranty, any written warranty of the manufacturer, or any affirmation of fact or promise made by the manufacturer in connection with the sale of a new motor vehicle that becomes part of the basis of the bargain. The term 'warranty' pertains to the obligations of the manufacturer in relation to materials, workmanship, and fitness of a new motor vehicle for ordinary use or reasonably intended purposes throughout the duration of the warranty period as defined under this section.

((+8)) (19) 'Warranty period' means the period ending two years after the date of the original delivery to the consumer of a new motor vehicle, or the first twenty-four thousand miles of operation, whichever occurs first."

On page 1, line 1 of the title, after "warranties;" strike the remainder of the title and insert "and amending RCW 19.118.021."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Vekich moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 2430 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Dellwo, P. King and Smith as conferees on Engrossed Substitute House Bill No. 2430.

MESSAGES FROM THE SENATE

March 5, 1990

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2603. The President has appointed the following members as conferees: Senators Smith, Niemi and Amondson.

Gordon A. Golob, Secretary.

March 5, 1990

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED HOUSE BILL NO. 2888. The President has appointed the following members as conferees: Senators Nelson, Rinehart and Hayner.

Gordon A. Golob, Secretary.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 6583 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Lee, Sutherland and Johnson, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Pruitt moved that the House recede from its amendments to Senate Bill No. 6583. The motion was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker stated the question before the House to be final passage of Senate Bill No. 6583 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6583 without the House amendments, and the bill passed the House by the following vote: Yeas, 92; nays, 2; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Bennett, Betzoff, Bowman, Braddock, Brække, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky - 92.

Voting nay: Representatives Baugher, and Mr. Speaker - 2.

Excused: Representatives Belcher, Phillips, Ratter - 3.

Senate Bill No. 6583 without the House amendments, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4437,

SUBSTITUTE SENATE BILL NO. 5935,

SECOND SUBSTITUTE SENATE BILL NO. 5993,

SENATE BILL NO. 6189,

SUBSTITUTE SENATE BILL NO. 6190,

SENATE BILL NO. 6192,

SENATE BILL NO. 6201,

SENATE BILL NO. 6213,

SENATE BILL NO. 6224,

SUBSTITUTE SENATE BILL NO. 6289,

SUBSTITUTE SENATE BILL NO. 6348,

SUBSTITUTE SENATE BILL NO. 6426,
 SUBSTITUTE SENATE BILL NO. 6453,
 SUBSTITUTE SENATE BILL NO. 6493,
 SUBSTITUTE SENATE BILL NO. 6642,
 SECOND SUBSTITUTE SENATE BILL NO. 6832,
 SENATE BILL NO. 6834.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 2310,
 HOUSE BILL NO. 2331,
 HOUSE BILL NO. 2438,
 HOUSE BILL NO. 2441,
 SUBSTITUTE HOUSE BILL NO. 2457,
 HOUSE BILL NO. 2461,
 HOUSE BILL NO. 2469,
 HOUSE BILL NO. 2473,
 SUBSTITUTE HOUSE BILL NO. 2482,
 SUBSTITUTE HOUSE BILL NO. 2513,
 SUBSTITUTE HOUSE BILL NO. 2524,
 HOUSE BILL NO. 2527,
 HOUSE BILL NO. 2561,
 HOUSE BILL NO. 2562,
 SUBSTITUTE HOUSE BILL NO. 2587,
 HOUSE BILL NO. 2633,
 SUBSTITUTE HOUSE BILL NO. 2708,
 HOUSE BILL NO. 2753,
 HOUSE BILL NO. 2942,
 SUBSTITUTE SENATE BILL NO. 5206,
 SENATE BILL NO. 5431,
 SENATE BILL NO. 5487,
 THIRD SUBSTITUTE SENATE BILL NO. 5550,
 SUBSTITUTE SENATE BILL NO. 5554,
 SENATE BILL NO. 5593,
 SUBSTITUTE SENATE BILL NO. 5594,
 SENATE BILL NO. 5712,
 SECOND SUBSTITUTE SENATE BILL NO. 5835,
 SECOND SUBSTITUTE SENATE BILL NO. 5845,
 SECOND SUBSTITUTE SENATE BILL NO. 5882,
 SECOND SUBSTITUTE SENATE BILL NO. 5996,
 SUBSTITUTE SENATE BILL NO. 6167,
 SENATE BILL NO. 6172,
 SENATE BILL NO. 6180,
 SUBSTITUTE SENATE BILL NO. 6191,
 SECOND SUBSTITUTE SENATE BILL NO. 6216,
 SUBSTITUTE SENATE BILL NO. 6290,
 SENATE BILL NO. 6292,
 SUBSTITUTE SENATE BILL NO. 6305,
 SUBSTITUTE SENATE BILL NO. 6326,
 SENATE BILL NO. 6335,
 SUBSTITUTE SENATE BILL NO. 6358,
 SUBSTITUTE SENATE BILL NO. 6377,
 SENATE BILL NO. 6388,
 SUBSTITUTE SENATE BILL NO. 6389,
 SUBSTITUTE SENATE BILL NO. 6390.

SENATE BILL NO. 6391,
 SENATE BILL NO. 6392,
 SUBSTITUTE SENATE BILL NO. 6393,
 SENATE BILL NO. 6394,
 SUBSTITUTE SENATE BILL NO. 6395,
 SENATE BILL NO. 6396,
 SUBSTITUTE SENATE BILL NO. 6446,
 SUBSTITUTE SENATE BILL NO. 6447,
 SENATE BILL NO. 6451,
 SUBSTITUTE SENATE BILL NO. 6452,
 SENATE BILL NO. 6464,
 SUBSTITUTE SENATE BILL NO. 6467,
 SENATE BILL NO. 6470,
 SUBSTITUTE SENATE BILL NO. 6473,
 SENATE BILL NO. 6520,
 SENATE BILL NO. 6533,
 SENATE BILL NO. 6535,
 SENATE BILL NO. 6562,
 SENATE BILL NO. 6564,
 SENATE BILL NO. 6588,
 SUBSTITUTE SENATE BILL NO. 6589,
 SENATE BILL NO. 6606,
 SUBSTITUTE SENATE BILL NO. 6608,
 SENATE BILL NO. 6673,
 SUBSTITUTE SENATE BILL NO. 6697,
 SECOND SUBSTITUTE SENATE BILL NO. 6731,
 SUBSTITUTE SENATE BILL NO. 6776,
 SENATE BILL NO. 6777,
 SENATE BILL NO. 6802,
 SENATE BILL NO. 6816,
 SENATE BILL NO. 6862,
 SENATE BILL NO. 6866,
 SENATE BILL NO. 6897,
 SENATE JOINT MEMORIAL NO. 8003.

MESSAGES FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 2426. The President has appointed the following members as conferees: Senators Lee, McMullen and Matson.

W. D. Naismith, Assistant Secretary.

March 5, 1990

Mr. Speaker:

The President appoints Senator Fleming to replace Senator McMullen as conferee on ENGROSSED SENATE BILL NO. 6904.

W. D. Naismith, Assistant Secretary.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1450 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. It is desired that there should be uniformity among the requirements of the several states. This chapter provides for the establishment of quality specifications for all liquid motor fuels, except aviation fuel, marine fuel, and liquefied petroleum gases, and establishes a sampling, testing, and enforcement program.

NEW SECTION, Sec. 2. As used in this chapter:

(1) 'Motor fuel' means any liquid product used for the generation of power in an internal combustion engine used for the propulsion of a motor vehicle upon the highways of this state.

Motor fuels containing ethanol may be marketed as long as the base motor fuel meets the applicable standards before the addition of the ethanol.

(2) 'Director' means the director of agriculture.

NEW SECTION. Sec. 3. This chapter shall be administered by the director or his or her authorized agent. For the purpose of administering this chapter, the standards set forth in the Annual Book of ASTM Standards and supplements thereto, and revisions thereof, are adopted, together with applicable federal environmental protection agency standards. If a conflict exists between federal environmental protection agency standards, ASTM standards, or state standards, for purposes of uniformity, federal environmental protection agency standards shall take precedence over ASTM standards. Any state standards adopted must be consistent with federal environmental protection agency standards and ASTM standards not in conflict with federal environmental protection agency standards.

The director may establish a testing laboratory. The director may also adopt rules on false and misleading advertising, labeling and posting of prices, and the standards for, and identity of, motor fuels.

NEW SECTION. Sec. 4. The director may:

(1) Enforce and administer this chapter by inspections, analyses, and other appropriate actions;

(2) Have access during normal business hours to all places where motor fuels are marketed for the purpose of examination, inspection, taking of samples, and investigation. If access is refused by the owner or agent or other persons leasing the same, the director or his or her agent may obtain an administrative search warrant from a court of competent jurisdiction;

(3) Collect or cause to be collected, samples of motor fuels marketed in this state, and cause such samples to be tested or analyzed for compliance with this chapter;

(4) Issue a stop-sale order for any motor fuel found not to be in compliance and rescind the stop-sale order if the motor fuel is brought into compliance with this chapter;

(5) Refuse, revoke, or suspend the registration of a motor fuel;

(6) Delegate to authorized agents any of the responsibilities for the proper administration of this chapter;

(7) Establish a motor fuel testing laboratory.

NEW SECTION. Sec. 5. All motor fuel shall be registered by the name, brand, or trademark under which it will be sold at the terminal. Registration shall include:

(1) The name and address of the person registering the motor fuel;

(2) The antiknock index or cetane number, as appropriate, at which the motor fuel is to be marketed;

(3) A certification, declaration, or affidavit that each individual grade or type of motor fuel shall conform to this chapter.

NEW SECTION. Sec. 6. It is unlawful to:

(1) Market motor fuels in any manner that may deceive or tend to deceive the purchaser as to the nature, price, quantity, and quality of a motor fuel;

(2) Fail to register a motor fuel;

(3) Submit incorrect, misleading, or false information regarding the registration of a motor fuel;

(4) Hinder or obstruct the director, or his or her authorized agent, in the performance of his or her duties;

(5) Market a motor fuel that is contrary to this chapter.

NEW SECTION. Sec. 7. Any person who knowingly violates any provision of this chapter or rules adopted under it is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both. The director shall assess a civil penalty ranging from one hundred dollars to ten thousand dollars per occurrence, giving due consideration to the appropriateness of the penalty with respect to the gravity of the violation, and the history of previous violations. Civil penalties collected under this chapter shall be deposited into the motor vehicle fund.

NEW SECTION. Sec. 8. The director may apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any provision of this chapter.

NEW SECTION. Sec. 9. This chapter is in addition to any requirements under chapter 19.94 RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act shall constitute a new chapter in Title 19 RCW and may be cited as the Motor Fuel Quality Act.

NEW SECTION. Sec. 12. This act shall take effect on July 1, 1990."

In line 1 of the title, after "inspections;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1450. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1450 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1450 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Belcher, Phillips, Raiter - 3.

Engrossed Substitute House Bill No. 1450 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1890 with the following amendments:

On page 2, line 3, after "forty-nine" strike all material down to and including "area" on line 6, and insert "legislative districts"

On page 2, after line 6, insert the following:

"(4) The house of representatives shall consist of ninety-eight members, two of whom shall be elected from each legislative district. The senate shall consist of forty-nine members, one of whom shall be elected from each legislative district."

On page 2, line 7, strike "((5)) (4)" and insert "(4)"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Todd moved that the House refuse to concur in the Senate amendments to House Bill No. 1890 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 289, Laws of 1977 ex. sess. and RCW 43.131.010 are each amended to read as follows:

This chapter may be known and cited as the Washington Sunset Act ((of 1977)).

Sec. 2. Section 5, chapter 289, Laws of 1977 ex. sess. as amended by section 1, chapter 22, Laws of 1979 and RCW 43.131.050 are each amended to read as follows:

The legislative budget committee shall cause to be conducted a program and fiscal review of ((each)) any state agency or program scheduled for termination by the processes provided in this chapter. Such program and fiscal review shall be completed and a preliminary report prepared on or before June 30th of the year prior to the date established for termination. Upon completion of its preliminary report, the legislative budget committee shall transmit copies of the report to the office of financial management. The office of financial management may then conduct its own program and fiscal review of the agency scheduled for termination and shall prepare a report on or before September 30th of the year prior to the

date established for termination. Upon completion of its report the office of financial management shall transmit copies of its report to the legislative budget committee. The legislative budget committee shall prepare a final report that includes the reports of both the office of financial management and the legislative budget committee. The legislative budget committee and the office of financial management shall, upon request, make available to each other all working papers, studies, and other documents which relate to reports required under this section. The legislative budget committee shall transmit the final report to ~~((all members of))~~ the legislature, to the state agency concerned, to the governor, and to the state library.

Sec. 3. Section 24, chapter 197, Laws of 1983 as last amended by section 4, chapter 288, Laws of 1988 and RCW 43.131.301 are each amended to read as follows:

The nursing home advisory council and its powers and duties shall be terminated on June 30, ~~((1991))~~ 1992, as provided in RCW 18.51.--- (RCW 43.131.302 as recodified by this act).

Sec. 4. Section 50, chapter 197, Laws of 1983 as last amended by section 5, chapter 288, Laws of 1988 and RCW 43.131.302 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1992))~~ 1993:

(1) Section 11, chapter 117, Laws of 1951, section 1, chapter 85, Laws of 1971 ex. sess., section 65, chapter 211, Laws of 1979 ex. sess., section 39, chapter 287, Laws of 1984 and RCW 18.51.100; and

(2) Section 12, chapter 117, Laws of 1951, section 66, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.110.

Sec. 5. Section 25, chapter 197, Laws of 1983 as last amended by section 6, chapter 288, Laws of 1988 and RCW 43.131.303 are each amended to read as follows:

The emergency medical services committee and its powers and duties shall be terminated on June 30, ~~((1991))~~ 1992, as provided in RCW 18.73.--- (RCW 43.131.304 as recodified by this act).

Sec. 6. Section 51, chapter 197, Laws of 1983 as last amended by section 7, chapter 288, Laws of 1988 and RCW 43.131.304 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1992))~~ 1993:

(1) Section 4, chapter 208, Laws of 1973 1st ex. sess., section 43, chapter 34, Laws of 1975-'76 2nd ex. sess., section 2, chapter 261, Laws of 1979 ex. sess., section 13, chapter 338, Laws of 1981, section 55, chapter 279, Laws of 1984 and RCW 18.73.040; and

(2) Section 5, chapter 208, Laws of 1973 1st ex. sess., section 3, chapter 261, Laws of 1979 ex. sess., section 3, chapter 214, Laws of 1987 and RCW 18.73.050.

Sec. 7. Section 94, chapter 279, Laws of 1984 as last amended by section 8, chapter 288, Laws of 1988 and RCW 43.131.323 are each amended to read as follows:

The powers and duties of the examining board of psychology shall be terminated on June 30, ~~((1994))~~ 1995, as provided in section 8 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 18.83 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 76, chapter 279, Laws of 1984, section 2, chapter 27, Laws of 1986, section 1, chapter 226, Laws of 1989 and RCW 18.83.035;

(2) Section 77, chapter 279, Laws of 1984 and RCW 18.83.045;

(3) Section 5, chapter 305, Laws of 1955, section 5, chapter 70, Laws of 1965, section 78, chapter 279, Laws of 1984, section 3, chapter 27, Laws of 1986 and RCW 18.83.050; and

(4) Section 21, chapter 70, Laws of 1965, section 19, chapter 199, Laws of 1969 ex. sess., section 48, chapter 34, Laws of 1975-'76 2nd ex. sess., section 10, chapter 168, Laws of 1983, section 48, chapter 287, Laws of 1984 and RCW 18.83.051.

Sec. 9. Section 16, chapter 348, Laws of 1987 and RCW 43.131.343 are each amended to read as follows:

The business assistance center and its powers and duties shall be terminated on June 30, ~~((1992))~~ 1993, as provided in RCW 43.31.--- (RCW 43.131.344 as recodified by this act).

Sec. 10. Section 17, chapter 348, Laws of 1987 and RCW 43.131.344 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1993))~~ 1994:

(1) Section 2, chapter 348, Laws of 1987 and RCW 43.31.083;

(2) Section 11, chapter 466, Laws of 1985, section 3, chapter 348, Laws of 1987, section 2, chapter 430, Laws of 1989 and RCW 43.31.085;

(3) Section 4, chapter 348, Laws of 1987 and RCW 43.31.087; and

(4) Section 5, chapter 348, Laws of 1987 and RCW 43.31.089.

Sec. 11. Section 21, chapter 447, Laws of 1987 and RCW 43.131.351 are each amended to read as follows:

The Washington state naturopathic practice advisory committee and its powers and duties shall be terminated on June 30, ~~((1993))~~ 1994, as provided in RCW 18.36A.--- (RCW 43.131.352 as recodified by this act).

Sec. 12. Section 22, chapter 447, Laws of 1987 and RCW 43.131.352 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ((1994)) 1995:

- (1) Section 1, chapter 447, Laws of 1987 and RCW 18.36A.010;
- (2) Section 2, chapter 447, Laws of 1987 and RCW 18.36A.030;
- (3) Section 3, chapter 447, Laws of 1987, section 1, chapter 246, Laws of 1988 and RCW 18.36A.040;
- (4) Section 4, chapter 447, Laws of 1987 and RCW 18.36A.020;
- (5) Section 5, chapter 447, Laws of 1987 and RCW 18.36A.050;
- (6) Section 6, chapter 447, Laws of 1987 and RCW 18.36A.060;
- (7) Section 7, chapter 447, Laws of 1987 and RCW 18.36A.070;
- (8) Section 8, chapter 447, Laws of 1987 and RCW 18.36A.080;
- (9) Section 9, chapter 447, Laws of 1987 and RCW 18.36A.090;
- (10) Section 10, chapter 447, Laws of 1987 and RCW 18.36A.100;
- (11) Section 11, chapter 447, Laws of 1987 and RCW 18.36A.110;
- (12) Section 12, chapter 447, Laws of 1987 and RCW 18.36A.120;
- (13) Section 13, chapter 447, Laws of 1987 and RCW 18.36A.130; and
- (14) Section 14, chapter 447, Laws of 1987 and RCW 18.36A.140.

Sec. 13. Section 25, chapter 512, Laws of 1987 and RCW 43.131.357 are each amended to read as follows:

The regulation of counselors, social workers, mental health counselors, and marriage and family counselors under chapter 18.19 RCW shall be terminated on June 30, ((1993)) 1994, as provided in RCW 18.19.--- (RCW 43.131.358 as recodified by this act).

Sec. 14. Section 26, chapter 512, Laws of 1987 and RCW 43.131.358 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ((1994)) 1995:

- (1) Section 1, chapter 512, Laws of 1987 and RCW 18.19.010;
- (2) Section 2, chapter 512, Laws of 1987 and RCW 18.19.030;
- (3) Section 3, chapter 512, Laws of 1987 and RCW 18.19.020;
- (4) Section 4, chapter 512, Laws of 1987 and RCW 18.19.040;
- (5) Section 5, chapter 512, Laws of 1987 and RCW 18.19.050;
- (6) Section 6, chapter 512, Laws of 1987 and RCW 18.19.060;
- (7) Section 7, chapter 512, Laws of 1987 and RCW 18.19.070;
- (8) Section 8, chapter 512, Laws of 1987 and RCW 18.19.080;
- (9) Section 9, chapter 512, Laws of 1987 and RCW 18.19.090;
- (10) Section 10, chapter 512, Laws of 1987 and RCW 18.19.100;
- (11) Section 11, chapter 512, Laws of 1987 and RCW 18.19.180;
- (12) Section 12, chapter 512, Laws of 1987 and RCW 18.19.110;
- (13) Section 13, chapter 512, Laws of 1987 and RCW 18.19.120;
- (14) Section 14, chapter 512, Laws of 1987 and RCW 18.19.130;
- (15) Section 15, chapter 512, Laws of 1987 and RCW 18.19.170;
- (16) Section 16, chapter 512, Laws of 1987 and RCW 18.19.150;
- (17) Section 17, chapter 512, Laws of 1987 and RCW 18.19.140;
- (18) Section 18, chapter 512, Laws of 1987 and RCW 18.19.190;
- (19) Section 19, chapter 512, Laws of 1987 and RCW 18.19.160; and
- (20) Section 20, chapter 512, Laws of 1987 and RCW 18.19.900.

NEW SECTION. Sec. 15. A new section is added to chapter 18.06 RCW to read as follows:
The regulation of acupuncture practice under this chapter shall be terminated on June 30, 1992, as provided in section 16 of this act.

NEW SECTION. Sec. 16. A new section is added to chapter 18.06 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, chapter 326, Laws of 1985 and RCW 18.06.010;
- (2) Section 2, chapter 326, Laws of 1985 and RCW 18.06.020;
- (3) Section 3, chapter 326, Laws of 1985 and RCW 18.06.030;
- (4) Section 4, chapter 326, Laws of 1985 and RCW 18.06.040;
- (5) Section 5, chapter 326, Laws of 1985, section 15, chapter 447, Laws of 1987 and RCW 18.06.050;
- (6) Section 6, chapter 326, Laws of 1985 and RCW 18.06.060;
- (7) Section 7, chapter 326, Laws of 1985 and RCW 18.06.070;
- (8) Section 8, chapter 326, Laws of 1985 and RCW 18.06.080;
- (9) Section 9, chapter 326, Laws of 1985 and RCW 18.06.090;
- (10) Section 10, chapter 326, Laws of 1985 and RCW 18.06.100;
- (11) Section 11, chapter 326, Laws of 1985, section 9, chapter 150, Laws of 1987 and RCW 18.06.110;
- (12) Section 12, chapter 326, Laws of 1985 and RCW 18.06.120;

- (13) Section 13, chapter 326, Laws of 1985 and RCW 18.06.130;
 (14) Section 14, chapter 326, Laws of 1985 and RCW 18.06.140;
 (15) Section 15, chapter 326, Laws of 1985 and RCW 18.06.150;
 (16) Section 16, chapter 326, Laws of 1985 and RCW 18.06.160;
 (17) Section 17, chapter 326, Laws of 1985 and RCW 18.06.170;
 (18) Section 18, chapter 326, Laws of 1985 and RCW 18.06.180;
 (19) Section 19, chapter 326, Laws of 1985 and RCW 18.06.190;
 (20) Section 20, chapter 326, Laws of 1985 and RCW 18.06.200; and
 (21) Section 21, chapter 326, Laws of 1985 and RCW 18.06.210.

Sec. 17, Section 1, chapter 239, Laws of 1949 as last amended by section 1, chapter 185, Laws of 1988 and RCW 18.74.010 are each amended to read as follows:

Unless the context otherwise requires, the definitions in this section apply throughout this chapter.

- (1) 'Board' means the board of physical therapy created by RCW 18.74.020.
 (2) 'Department' means the department of licensing.
 (3) 'Director' means the director of licensing.

(4) 'Physical therapy' means the treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, cold, air, light, water, electricity, sound, massage, and therapeutic exercise, which includes posture and rehabilitation procedures; the performance of tests and measurements of neuromuscular function as an aid to the diagnosis or treatment of any human condition; performance of treatments on the basis of test findings after consultation with and periodic review by an authorized health care practitioner (~~(except as provided in RCW 18.74.012 until June 30, 1991)~~); supervision of selective forms of treatment by trained supportive personnel; and provision of consultative services for health, education, and community agencies. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, and the use of spinal manipulation or manipulative mobilization of the spine and its immediate articulations, are not included under the term 'physical therapy' as used in this chapter.

(5) 'Physical therapist' means a person who practices physical therapy as defined in this chapter but does not include massage operators as defined in RCW 18.108.010.

(6) Words importing the masculine gender may be applied to females.

(7) 'Authorized health care practitioner' means and includes licensed physicians, osteopathic physicians, chiropractors, naturopaths, podiatrists, and dentists: PROVIDED, HOWEVER, That nothing herein shall be construed as altering the scope of practice of such practitioners as defined in their respective licensure laws.

NEW SECTION. Sec. 18. Section 17 of this act shall take effect June 30, 1991.

Sec. 19. Section 2, chapter 185, Laws of 1988 and RCW 18.74.012 are each amended to read as follows:

Notwithstanding the provisions of RCW 18.74.010(4), a consultation and periodic review by an authorized health care practitioner is not required for treatment of neuromuscular or musculoskeletal conditions: PROVIDED, That a physical therapist may only provide treatment utilizing or those that support, align, prevent, or correct any structural problems intrinsic to the foot or ankle by referral or consultation from an authorized health care practitioner. (~~The legislative budget committee shall review whether the practices authorized under this section shall be continued and shall report to the legislature by January 1, 1991.~~)

This section shall expire June 30, 1991.

NEW SECTION. Sec. 20. A new section is added to chapter 43.131 RCW to read as follows:

The powers and duties of the school director's association shall be terminated on June 30, 1998, as provided in section 19 of this act.

NEW SECTION. Sec. 21. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1999:

- (1) Section 28A.61.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.010;
 (2) Section 28A.61.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.020;
 (3) Section 28A.61.030, chapter 223, Laws of 1969 ex. sess., section 4, chapter 184, Laws of 1969 ex. sess., section 1, chapter 101, Laws of 1974 ex. sess., section 13, chapter 151, Laws of 1979, section 1, chapter 187, Laws of 1983, section 1, chapter 325, Laws of 1989 and RCW 28A.61.030;
 (4) Section 28A.61.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.040;
 (5) Section 28A.61.050, chapter 223, Laws of 1969 ex. sess., section 2, chapter 125, Laws of 1969, section 2, chapter 187, Laws of 1983 and RCW 28A.61.050; and
 (6) Section 4, chapter 187, Laws of 1983, section 3, chapter 158, Laws of 1986 and RCW 28A.61.070.

NEW SECTION. Sec. 22. A new section is added to chapter 53.31 RCW to read as follows:

The authorization of export trading companies under this chapter shall be terminated on June 30, 1994, as provided in section 21 of this act.

NEW SECTION. Sec. 23. A new section is added to chapter 53.31 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1995:

- (1) Section 1, chapter 276, Laws of 1986 and RCW 53.31.010;
- (2) Section 2, chapter 276, Laws of 1986 and RCW 53.31.020;
- (3) Section 3, chapter 276, Laws of 1986 and RCW 53.31.030;
- (4) Section 4, chapter 276, Laws of 1986, section 23, chapter 11, Laws of 1989 and RCW 53.31.040;

(5) Section 5, chapter 276, Laws of 1986 and RCW 53.31.050; and

(6) Section 6, chapter 276, Laws of 1986 and RCW 53.31.060.

NEW SECTION. Sec. 24. A new section is added to chapter 67.16 RCW to read as follows:

The regulation of parimutuel wagering at satellite locations under RCW 67.16.200 through 67.16.230 shall be terminated on June 30, 1992, as provided in section 23 of this act.

NEW SECTION. Sec. 25. A new section is added to chapter 67.16 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, chapter 347, Laws of 1987 and RCW 67.16.200;

(2) Section 5, chapter 347, Laws of 1987 and RCW 67.16.210;

(3) Section 6, chapter 347, Laws of 1987 and RCW 67.16.220; and

(4) Section 7, chapter 347, Laws of 1987 and RCW 67.16.230.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

(1) Section 22, chapter 326, Laws of 1985 and RCW 18.06.900;

(2) Section 23, chapter 326, Laws of 1985 and RCW 18.06.901;

(3) Section 19, chapter 344, Laws of 1987 and RCW 19.118.901;

(4) Section 6, chapter 187, Laws of 1983, section 2, chapter 325, Laws of 1989 and RCW 28A.61.900;

(5) Section 10, chapter 276, Laws of 1986, section 13, chapter 425, Laws of 1989 and RCW 53.31.900;

(6) Section 8, chapter 347, Laws of 1987 and RCW 67.16.240;

(7) Section 9, chapter 387, Laws of 1987 (uncodified); and

(8) Section 34, chapter 7, Laws of 1982 2nd ex. sess., section 16, chapter 511, Laws of 1987 and RCW 67.70.900.

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

(1) Section 1, chapter 197, Laws of 1983 and RCW 43.131.256;

(2) Section 8, chapter 197, Laws of 1983, section 1, chapter 272, Laws of 1986 and RCW 43.131.269;

(3) Section 34, chapter 197, Laws of 1983, section 2, chapter 272, Laws of 1986 and RCW 43.131.270;

(4) Section 12, chapter 175, Laws of 1984, section 72, chapter 466, Laws of 1985, section 5, chapter 35, Laws of 1988 and RCW 43.131.315;

(5) Section 13, chapter 175, Laws of 1984, section 73, chapter 466, Laws of 1985, section 6, chapter 35, Laws of 1988 and RCW 43.131.316;

(6) Section 5, chapter 261, Laws of 1984, section 7, chapter 270, Laws of 1986, section 2, chapter 304, Laws of 1989 and RCW 43.131.319;

(7) Section 6, chapter 261, Laws of 1984, section 8, chapter 270, Laws of 1986, section 3, chapter 304, Laws of 1989 and RCW 43.131.320;

(8) Section 1, chapter 118, Laws of 1985, section 13, chapter 288, Laws of 1988 and RCW 43.131.331;

(9) Section 2, chapter 118, Laws of 1985, section 14, chapter 288, Laws of 1988 and RCW 43.131.332;

(10) Section 10, chapter 342, Laws of 1987 and RCW 43.131.339;

(11) Section 18, chapter 348, Laws of 1987 and RCW 43.131.345;

(12) Section 19, chapter 348, Laws of 1987 and RCW 43.131.346;

(13) Section 5, chapter 186, Laws of 1988 and RCW 43.131.361; and

(14) Section 6, chapter 186, Laws of 1988 and RCW 43.131.362.

NEW SECTION. Sec. 28. (1) RCW 43.131.301 and 43.131.302 are each recodified as sections in chapter 18.51 RCW.

(2) RCW 43.131.303 and 43.131.304 are each recodified as sections in chapter 18.73 RCW.

(3) RCW 43.131.323 is recodified as a section in chapter 18.83 RCW.

(4) RCW 43.131.343 and 43.131.344 are each recodified as sections in chapter 43.31 RCW.

(5) RCW 43.131.351 and 43.131.352 are each recodified as sections in chapter 18.36A RCW.

(6) RCW 43.131.357 and 43.131.358 are each recodified as sections in chapter 18.19 RCW.

(7) RCW 43.131.359 and 43.131.360 are each recodified as sections in chapter 77.12 RCW.

(8) RCW 43.131.363 and 43.131.364 are each recodified as sections in chapter 43.240 RCW.

NEW SECTION. Sec. 29. Section 14, chapter 449, Laws of 1985 and RCW 84.26.140 are each repealed.

On page 1, line 1 of the title, after "review;" strike the remainder of the title and insert "amending RCW 43.131.010, 43.131.050, 43.131.301, 43.131.302, 43.131.303, 43.131.304, 43.131.323, 43.131.343, 43.131.344, 43.131.351, 43.131.352, 43.131.357, 43.131.358, 18.74.010, and 18.74.012;

adding new sections to chapter 18.06 RCW; adding new sections to chapter 18.19 RCW; adding new sections to chapter 18.36A RCW; adding new sections to chapter 18.51 RCW; adding new sections to chapter 18.73 RCW; adding new sections to chapter 18.83 RCW; adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.121 RCW; adding new sections to chapter 43.131 RCW; adding new sections to chapter 43.240 RCW; adding new sections to chapter 53.31 RCW; adding new sections to chapter 67.16 RCW; adding new sections to chapter 77.12 RCW; recodifying RCW 43.131.301, 43.131.302, 43.131.303, 43.131.304, 43.131.323, 43.131.343, 43.131.344, 43.131.351, 43.131.352, 43.131.357, 43.131.358, 43.131.359, 43.131.360, 43.131.363, and 43.131.364; repealing RCW 18.06.900, 18.06.901, 19.118.901, 28A.61.900, 53.31.900, 67.16.240, 67.70.900, 43.131.256, 43.131.269, 43.131.270, 43.131.315, 43.131.316, 43.131.319, 43.131.320, 43.131.331, 43.131.332, 43.131.339, 43.131.345, 43.131.346, 43.131.361, 43.131.362 and 84.26.140; repealing section 9, chapter 387, Laws of 1987 (uncodified); and providing an effective date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Todd moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2327. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2327 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2327 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; nays, 4; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betzozoff, Bowman, Braddock, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Former, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Brekke, May, Wilson K, Youngsman - 4.

Excused: Representatives Belcher, Phillips, Raiter - 3.

Engrossed Substitute House Bill No. 2327 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2567 with the following amendments:

Strike everything after the enacting clause and insert the following:

*PART I

STATE AGENCY PERSONNEL

Sec. 101. Section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 8, chapter 96, Laws of 1989 and RCW 41.06.070 are each amended to read as follows:

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;

(2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) The departments of employment security, fisheries, social and health services, the director and his confidential secretary; in all other departments, the executive head of which is

an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors:

(8) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(a) All members of such boards, commissions, or committees;

(b) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full-time basis: (i) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state:

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of the Washington tree fruit research commission;

(18) Officers and employees of the Washington state beef commission;

(19) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(20) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(21) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

(22) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(23) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(24) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(25) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(26) All employees of the marine employees' commission;

~~((26))~~ (27) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection shall expire on June 30, 1997;

~~((27))~~ (28) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred eighty-seven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature during an odd-numbered year all

exemptions granted ((pursuant to the provisions of this subsection)) under subsections (24), (25), and (28) of this section, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (22) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary ~~((within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982)).~~

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 102. Section 7, chapter 118, Laws of 1980 and RCW 41.06.430 are each amended to read as follows:

(1) The board, by rule, shall develop a career executive program which recognizes the profession of management and recognizes excellence in managerial skills in order to (a) identify, attract, and retain highly qualified executive candidates, (b) provide outstanding employees a broad opportunity for career development, and (c) provide for the mobility of such employees among agencies, it being to the advantage of the state to make the most beneficial use of individual managerial skills.

(2) To accomplish the purposes of subsection (1) of this section, the board, notwithstanding any other provision of this chapter, may provide policies and standards for recruitment, appointment, examination, training, probation, employment register control, certification, classification, salary administration, transfer, promotion, reemployment, conditions of employment, and separation separate from procedures established for other employment.

(3) The director, in consultation with affected agencies, shall recommend to the board the classified positions which may be filled by participants in the career executive program. Upon the request of an agency, management positions that are exempt from the state civil service law pursuant to RCW 41.06.070 may be included in all or any part of the career executive program: PROVIDED, That an agency may at any time, after providing written notice to the board, withdraw an exempt position from the career executive program. No employee may be placed in the career executive program without the employee's consent.

(4) The number of employees participating in the career executive program shall not exceed ~~((one))~~ two percent of the employees subject to the provisions of this chapter.

(5) The director shall monitor and review the impact of the career executive program to ensure that the responsibilities of the state to provide equal employment opportunities are diligently carried out. The director shall report to the board the impact of the career executive program on the fulfillment of such responsibilities.

(6) Any classified state employee, upon entering a position in the career executive program, shall be entitled subsequently to revert to any class or position previously held with permanent status, or, if such position is not available, revert to a position similar in nature and salary to the position previously held.

Sec. 103. Section 4, chapter 53, Laws of 1982 1st ex. sess. as last amended by section 5, chapter 365, Laws of 1985 and by section 2, chapter 461, Laws of 1985 and RCW 41.06.150 are each reenacted and amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) The reduction, dismissal, suspension, or demotion of an employee;

(2) Certification of names for vacancies, including departmental promotions, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;

(3) Examinations for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Training and career development;

(6) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(7) Transfers;

(8) Sick leaves and vacations;

(9) Hours of work;

(10) Layoffs when necessary and subsequent reemployment, both according to seniority;

(11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

(19) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, 'veteran' means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled to the benefits of

this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section 'veteran' does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month:

(20) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(21) Assuring persons who are or have been employed in classified positions under chapter 28B.16 RCW will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter((?));

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

PART II

HIGHER EDUCATION PERSONNEL

Sec. 201. Section 4, chapter 36, Laws of 1969 ex. sess. as last amended by section 15, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.040 are each amended to read as follows:

The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(1) Members of the governing board of each institution and related boards, all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Student, part time, or temporary employees, and part time professional consultants, as defined by the higher education personnel board, employed by institutions of higher education and related boards.

(3) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(4) The personnel director of the higher education personnel board and his confidential secretary.

(5) The governing board of each institution, and related boards, may also exempt from this chapter, subject to the employees right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the higher education personnel board under this provision.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary(~~(-within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin on July 10, 1982).~~).

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 202. Section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 1, chapter 365, Laws of 1985 and by section 9, chapter 461, Laws of 1985 and RCW 28B.16.100 are each reenacted and amended to read as follows:

The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) The dismissal, suspension, or demotion of an employee, and appeals therefrom;

(2) Certification of names for vacancies, including promotions, with the number of names equal to four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified:

- (3) Examination for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Probationary periods of six to twelve months and rejections therein, depending on the job requirements of the class;
- (6) Transfers;
- (7) Sick leaves and vacations;
- (8) Hours of work;
- (9) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (10) Determination of appropriate bargaining units within any institution or related boards: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;
- (11) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;
- (12) Agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion;
- (13) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the institution and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his official duties;
- (14) Adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position;
- (15) Allocation and reallocation of positions within the classification plan;
- (16) Adoption and revision of salary schedules and compensation plans which reflect the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 28B.16.116 and which shall be competitive in the state or the locality in which the institution or related boards are located, such adoption, revision, and implementation subject to approval as to availability of funds by the director of financial management in accordance with the provisions of chapter 43.88 RCW, and after consultation with the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community college education for the various community colleges;
- (17) Training programs including in-service, promotional, and supervisory;
- (18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;
- (19) Providing for veteran's preference as provided by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken higher education service, as defined by the board, the veteran's service in the military not to exceed five years of such service. For the purposes of this section, 'veteran' means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service

and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section 'veteran' does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(20) Assuring that persons who are or have been employed in classified positions under chapter 41.06 RCW will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter; and

(21) Assuring that any person who is or has been employed in a classified position under this chapter will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions at any other institution of higher education or related board.

(22) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules consistent with federal guidelines pertaining to affirmative action. The board shall transmit a report annually to the human rights commission which states the progress each institution of higher education has made in meeting affirmative action goals and timetables.

PART III

EMPLOYEE ASSISTANCE

NEW SECTION. Sec. 301. The legislature finds that:

(1) Assisting employees in resolving personal problems that impair their performance will result in a more productive work force, better morale, reduced stress, reduced use of medical benefits, reduced absenteeism, lower turnover rates, and fewer accidents;

(2) A substantial number of employee problems can be identified and the employees referred to treatment by an employee assistance program;

(3) The state, as an employer, desires to foster a working environment that promotes safety and productivity as well as the health and well-being of its employees.

Therefore, it is the purpose of sections 302 through 304 of this act to assist state employees by establishing a state employee assistance program.

NEW SECTION. Sec. 302. The employee assistance program is hereby created to provide support and services to state employees who have personal problems that impair their performance in the work place. The goal of the program is to help promote a safe, productive, and healthy state work force by assisting state employees and their supervisors to identify and deal with such personal problems. However, nothing in this chapter relieves employees from the responsibility of performing their jobs in an acceptable manner.

NEW SECTION. Sec. 303. The director of human resources shall:

(1) Administer the state employee assistance program to assist employees who have personal problems that adversely affect their job performance or have the potential of doing so;

(2) Develop policies, procedures, and activities for the program;

(3) Encourage and promote the voluntary use of the employee assistance program by increasing employee awareness and disseminating educational materials;

(4) Provide technical assistance and training to agencies on how to use the employee assistance program;

(5) Assist and encourage supervisors to identify and refer employees with problems that impair their performance by incorporating proper use of the program in management training, management performance criteria, ongoing communication with agencies, and other appropriate means;

(6) Offer substance abuse prevention and awareness activities to be provided through the employee assistance program and the state employee wellness program;

(7) Monitor and evaluate the effectiveness of the program, including the collection, analysis, and publication of relevant statistical information; and

(8) Consult with state agencies, institutions of higher education, and employee organizations in carrying out the purposes of sections 301 through 304 of this act.

NEW SECTION. Sec. 304. Individual employees' participation in the employee assistance program and all individually identifiable information gathered in the process of conducting the program shall be held in strict confidence; except that agency management may be provided with the following information about employees referred by that agency management due to poor job performance:

(1) Whether or not the referred employee made an appointment;

(2) The date and time the employee arrived and departed;

(3) Whether the employee agreed to follow the advice of counselors; and

(4) Whether further appointments were scheduled.

Participation or nonparticipation by any employee in the employee assistance program shall not be a factor in any decision affecting an employee's job security, promotional opportunities, corrective or disciplinary action, or other employment rights.

NEW SECTION. Sec. 305. Sections 301 through 304 of this act are each added to chapter 41.04 RCW.

PART IV
MISCELLANEOUS

NEW SECTION. Sec. 401. Subheadings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 402. The following are each decodified:

- (1) RCW 41.06.300;
- (2) RCW 41.06.320; and
- (3) RCW 41.06.330.

NEW SECTION. Sec. 403. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "development," strike the remainder of the title and insert "amending RCW 41.06.070, 41.06.430, and 28B.16.040; reenacting and amending RCW 41.06.150 and 28B.16.100; adding new sections to chapter 41.04 RCW; creating a new section; and decodifying RCW 41.06.300, 41.06.320, and 41.06.330."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Todd moved that the House do concur in the Senate amendments to Engrossed House Bill No. 2567. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2567 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2567 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Former, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Belcher, Phillips, Raiter - 3.

Engrossed House Bill No. 2567 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2911 with the following amendments:

On page 3, line 17, after "goods" insert "entered into before the effective date of this 1990 act or renewals of such contracts"

On page 3, line 26, after "goods" insert ". This subsection applies only to board members holding office prior to the effective date of this 1990 act"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Todd moved that the House do concur in the Senate amendments to Engrossed House Bill No. 2911. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2911 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2911 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; nays, 3; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Betrozoff, Heavey, Pruitt - 3.

Excused: Representatives Belcher, Phillips, Raiter - 3.

Engrossed House Bill No. 2911 as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 1990

Mr. Speaker:

The Senate insists on its position regarding the Senate amendments to ENGROSSED HOUSE BILL NO. 2299, and asks the House to concur therein, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Nelson moved that the House do concur in the Senate amendments to Engrossed House Bill No. 2299. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2299 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2299 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Belcher, Phillips, Raiter - 3.

Engrossed House Bill No. 2299 as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The President has ruled the amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5545, beyond the scope and object of the bill, and the Senate refuses to

concur and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jacobsen moved that the House insist on its position regarding the House amendments to Engrossed Substitute Senate Bill No. 5545 and ask the Senate for a conference thereon.

Mr. Jacobsen spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Jacobsen, Dorn and Van Luven as conferees on Engrossed Substitute Senate Bill No. 5545.

MOTION

On motion of Ms. Cole, Representative Gallagher was excused.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 6771 and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Nelson moved that the House insist on its position regarding the House amendments to Engrossed Substitute Senate Bill No. 6771 and ask the Senate to concur therein. The motion was carried.

The Speaker called on Representative O'Brien to preside.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6537 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Smith, Niemi and Bailey, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Sayan moved that the House grant the request of the Senate for a conference on Engrossed Second Substitute Senate Bill No. 6537. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Sayan, Anderson and Silver as conferees on Engrossed Second Substitute Senate Bill No. 6537.

SENATE AMENDMENTS TO HOUSE BILL

February 28, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2709 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 227, Laws of 1989 and RCW 3.38.070 are each amended to read as follows:

A county legislative authority for a county that has a single district but has multiple locations for courtrooms may establish separate electoral districts to provide for election of district court judges by subcounty local districts. ~~((As nearly as possible, the electoral districts shall follow precinct lines, follow neighborhood and community boundaries, and include approximately equal population.))~~ in any county containing a city of more than four hundred

thousand population, the legislative authority of a county shall establish such separate electoral districts. The procedures in chapter 3.38 RCW for the establishment of district court districts apply to the establishment of separate electoral districts authorized by this section.

Sec. 2. In any county in which separate electoral districts have been established pursuant to RCW 3.38.070, the term 'district' also means 'electoral district' for purposes of RCW 3.38.022, 3.38.050, and 3.38.060.

Sec. 3. Section 10, chapter 299, Laws of 1961 as last amended by section 6, chapter 227, Laws of 1989 and RCW 3.34.010 are each amended to read as follows:

The number of district judges to be elected in each county shall be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, one; Ferry, two; Franklin, one; Garfield, one; Grant, one; Grays Harbor, two; Island, three; Jefferson, one; King, twenty-four; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two; Pacific, three; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, ~~((eight))~~ nine; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six: PROVIDED, That this number may be increased in accordance with a resolution of the county commissioners under RCW 3.34.020.

Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 3.38.070 and 3.34.010; creating a new section; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2709. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2709 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2709 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nulley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Belcher, Gallagher, Phillips, Raiter - 4.

Engrossed Substitute House Bill No. 2709 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825 with the following amendments:

Strike everything after the enacting clause and insert the following:

"INDEX

Part I.	Rail Freight	Sections 1-11
Part II.	High Occupancy Vehicle Lane Development	Sections 12-21
Part III.	High Capacity System Development	Sections 22-35
Part IV.	AMTRAK Activities	Sections 36-40
Part V.	High Capacity Funding Authorizations	Sections 41-45

Part VI. High Capacity Transportation

Account

Sections 46-48

Part VII. Miscellaneous

Sections 49-57

PART I
RAIL FREIGHT

NEW SECTION. Sec. 1. PURPOSE OF STATE FREIGHT RAIL PROGRAM. The legislature finds that a balanced multimodal transportation system is required to maintain the state's commitment to the growing mobility needs of its citizens and commerce. Freight rail systems are important elements of this multimodal system.

Washington's economy relies heavily upon the freight rail system to ensure movement of the state's agricultural, chemical, and natural resource products to local, national, and international markets. Since 1970, Washington has lost nearly one-third of its five thousand two hundred rail miles to abandonment and bankruptcies, leaving approximately three thousand four hundred rail miles. Recognizing the implications of this trend for freight mobility and the state's economic future, the legislature believes that better freight rail planning, better cooperation to preserve rail lines, and increased financial assistance from the state are necessary to maintain and improve the freight rail system within the state.

NEW SECTION. Sec. 2. STATE FREIGHT RAIL PROGRAM. The Washington state department of transportation shall implement a state freight rail program for rail coordination, planning, and technical assistance.

NEW SECTION. Sec. 3. FREIGHT RAIL PLANNING. (1) The department of transportation shall continue its responsibility for the development and implementation of the state rail plan and programs, and the utilities and transportation commission shall continue its responsibility for intrastate rates, service, and safety issues.

(2) The department of transportation shall maintain an enhanced data file on the rail system. Proprietary annual station traffic data from each railroad and the modal use of major shippers shall be obtained to the extent that such information is available.

(3) The department of transportation shall provide technical assistance, upon request, to state agencies and local interests. Technical assistance includes, but is not limited to, the following:

(a) Abandonment cost-benefit analyses, to include the public and private costs and benefits of maintaining the service, providing alternative service including necessary road improvement costs, or of taking no action;

(b) Assistance in the formation of county rail districts and port districts; and

(c) Feasibility studies for rail service continuation and/or rail service assistance.

(4) With funding authorized by the legislature, the department of transportation shall develop a cooperative process to conduct community and business information programs and to regularly disseminate information on rail matters. The following agencies and jurisdictions shall be involved in the process:

(a) The state departments of community development and trade and economic development;

(b) Local jurisdictions and local economic development agencies; and

(c) Other interested public and private organizations.

NEW SECTION. Sec. 4. FREIGHT RAIL PRESERVATION PROGRAM. The state, counties, local communities, railroads, labor, and shippers all benefit from continuation of rail service and should participate in its preservation. Lines which provide benefits to the state and local jurisdictions, such as avoided roadway costs, reduced traffic congestion, economic development potential, environmental protection, and safety, should be assisted through the joint efforts of the state, local jurisdictions, and the private sector.

(1) The department of transportation shall continue to monitor the status of the state's light density line system through the state rail plan and various analyses, and shall seek alternatives to abandonment prior to interstate commerce commission proceedings, where feasible.

(2) The utilities and transportation commission shall intervene in interstate commerce commission proceedings on abandonments, when necessary, to protect the state's interest.

(3) As conditions warrant, the following criteria shall be used for identifying the state's essential rail system:

(a) Established regional and short-line carriers excluding private operations which are not common carriers;

(b) Former state project lines, which are lines that have been studied and have received funds from the state and federal governments;

(c) Lines serving major agricultural and forest product areas or terminals, with such terminals generally being within a fifty-mile radius of producing areas, and sites associated with commodities shipped by rail;

(d) Lines serving ports, seaports, and navigable river ports;

(e) Lines serving power plants or energy resources;

(f) Lines used for passenger service;

(g) Mainlines connecting to the national and Canadian rail systems;

(h) Major intermodal service points or hubs; and

(i) The military's strategic rail network.

(4) Local jurisdictions may implement rail service preservation projects in the absence of state participation.

(5) The department of transportation shall continue to monitor projects for which it provides assistance.

NEW SECTION. Sec. 5. RAIL CORRIDOR PRESERVATION GUIDELINES. In rail banking situations where it is not practicable to implement or continue freight rail service operations until some future date and the line's right of way is available for purchase and/or meets the criteria of chapter 47.76 RCW:

(1) The department of transportation shall preserve rail corridors for future rail service by purchasing the rights of way with funds specifically appropriated from the essential rail banking account created in section 7 of this act.

(2) Acquisition of rights of way may also include track, bridges, and associated elements.

(3) All corridors purchased under the rail bank program shall be identified by the department of transportation.

(4) All corridors acquired by governmental entities by donation or reversion for future rail use shall be identified in the rail bank program.

(5) Any rail rights of way acquired with state money will be for present or future rail purposes and can only be used for other purposes with the consent of the Washington state department of transportation and the consent of the underlying fee title holder or reversionary rights holder, or if compensation has been made to the underlying fee title holder or reversionary rights holder.

NEW SECTION. Sec. 6. FINANCING MECHANISMS AND SOURCES FOR PUBLIC RAILROADS. State funding for rail service preservation shall benefit the state's interests, which include reducing public roadway maintenance and repair costs, increasing economic development opportunities, preserving jobs, and enhancing safety, and shall be contingent upon appropriate local participation.

NEW SECTION. Sec. 7. ESSENTIAL RAIL BANKING ACCOUNT—CREATION. (1) The essential rail banking account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes specified in this section.

(2) Moneys in the account may be used by the department to:

(a) Purchase unused rail rights of way; or

(b) Provide up to eighty percent of the funding through loans to first class cities, port districts and county rail districts to purchase unused rail rights of way.

(3) Use of the moneys pursuant to subsection (2) of this section shall be for rights of way that meet the following criteria:

(a) The right of way has been identified, evaluated, and analyzed in the state rail plan prepared pursuant to this chapter;

(b) The right of way may be or has been abandoned;

(c) The right of way has potential for future rail service; and

(d) Reestablishment of rail service would benefit the state of Washington; and this benefit shall be based on the public and private costs and benefits of reestablishing the service compared with alternative service including necessary road improvement costs, or of taking no action.

Funds in the account may be expended for this purpose only with legislative appropriation. Funds for acquisition of any line shall be expended only after obtaining the approval of the legislative transportation committee. The department may also expend funds from the receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in RCW 47.76.040. The department or the participating local jurisdiction shall be responsible for maintaining the right of way, including provisions for fire and weed control and for liability associated with ownership. Nothing in this section and in sections 5 and 11 of this act shall be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation.

(4) All earnings of investments of balances in the essential rail banking account shall be credited to that account except as provided in RCW 43.84.090 and 43.84.092.

NEW SECTION. Sec. 8. EVALUATING PROGRAM PERFORMANCE. The department shall evaluate the state freight rail program performance at the end of six years with respect to past and current conditions and future needs. The results of this evaluation shall be presented to the legislative transportation committee.

NEW SECTION. Sec. 9. TAX RELIEF STUDY. The department of revenue, working with the department of transportation, shall study and report its findings to the legislative transportation committee, by December 1, 1991, with respect to a potential tax relief program under Title 84 RCW for railroad operating properties, which shall provide tax credits for railroad participation in rail service preservation or improvement projects implemented on the light density line system.

NEW SECTION. Sec. 10. MONITORING FEDERAL RAIL POLICIES. The department of transportation shall continue to monitor federal rail policies and congressional action and communicate to Washington's congressional delegation and federal transportation agencies the need for a balanced transportation system and associated funding.

Sec. 11. Section 6, chapter 303, Laws of 1983 as amended by section 64, chapter 57, Laws of 1985 and by section 2, chapter 432, Laws of 1985 and RCW 47.76.030 are each reenacted and amended to read as follows:

(1) The essential rail assistance account is hereby created in the state treasury. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys ~~((in))~~ appropriated from the account to the department of transportation may be distributed by the department to first class cities, county rail districts and port districts for the purpose of:

(a) Acquiring, maintaining, or improving branch rail lines; ~~((or))~~

(b) Operating railroad equipment necessary to maintain essential rail service;

(c) Construction of transloading facilities to increase business on light density lines or to mitigate the impacts of abandonment; or

(d) Preservation, including operation, of viable light density lines, as identified by the Washington state department of transportation, in compliance with this chapter.

~~(3) (Moneys in the account may be distributed to the department to purchase unused rail right of way that meets the following criteria:~~

~~(a) The right of way has been identified, evaluated, and analyzed in the state rail plan prepared pursuant to RCW 47.76.020;~~

~~(b) The right of way has been abandoned and is available for acquisition;~~

~~(c) The right of way has potential for future rail service; and~~

~~(d) Reestablishment of rail service in the future would benefit the state of Washington.~~

The department may exercise its authority to use moneys in the account for the purposes of this subsection only with legislative appropriation for this purpose or upon receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in RCW 47.76.040. Nothing in this section shall be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation.

~~(4))~~ First class cities, county rail districts and port districts may grant franchises to private railroads for the right to operate on lines acquired, repaired, or improved under this chapter.

(4) If rail lines or rail rights of way are used by county rail districts, port districts, state agencies, or other public agencies for the purposes of rail operations and are later abandoned, the rail lines or rail rights of way cannot be used for any other purposes without the consent of the underlying fee title holder or reversionary rights holder, or compensation has been made to the underlying fee title holder or reversionary rights holder.

(5) Moneys distributed under subsection (2) of this section shall not exceed eighty percent of the cost of the service or project undertaken. At least twenty percent of the cost shall be provided by the first class city, county, port district, or other local sources.

(6) The amount distributed under this section shall be repaid to the state by the first class city, county rail district or port district. The repayment shall occur within ~~((ten years))~~ a period not longer than fifteen years, as set by the department, of the distribution of the moneys and shall be deposited in the essential rail assistance account. The repayment schedule and rate of interest, if any, shall be set at the time of the distribution of the moneys.

(7) All earnings of investments of balances in the essential rail assistance account shall be credited to ~~((the general fund))~~ that account except as provided in RCW 43.84.090 and 43.84.092.

PART II

HIGH OCCUPANCY VEHICLE LANE DEVELOPMENT

NEW SECTION. Sec. 12. PURPOSE FOR ACCELERATING HIGH OCCUPANCY VEHICLE SYSTEM DEVELOPMENT AND UTILIZATION. The need for mobility, growing travel demand, and increasing traffic congestion in urban areas necessitate accelerated development and increased utilization of the high occupancy vehicle system. Sections 14 and 17 of this act provide taxing authority that counties can use in the near term to accelerate development and increase utilization of the high occupancy vehicle system by supplementing available federal, state, and local funds.

NEW SECTION. Sec. 13. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 12 through 21 of this act.

(1) 'Transit agency' means a city that operates a transit system, a public transportation benefit area, a county transportation authority, or a metropolitan municipal corporation.

(2) The 'high occupancy vehicle system' includes high occupancy vehicle lanes, related high occupancy vehicle facilities, and high occupancy vehicle programs.

(3) 'High occupancy vehicle lanes' mean lanes reserved for public transportation vehicles only or public transportation vehicles and private vehicles carrying no fewer than a specified number of passengers under RCW 46.61.165.

(4) 'Related facilities' means park and ride lots, park and pool lots, ramps, bypasses, turn-outs, signal preemption, and other improvements designed to maximize use of the high occupancy vehicle system.

(5) 'High occupancy vehicle program' means advertising the high occupancy vehicle system, promoting carpool, vanpool, and transit use, providing vanpool vehicles, and enforcement of driving restrictions governing high occupancy vehicle lanes.

NEW SECTION. Sec. 14. EMPLOYER TAX. (1) A class AA county or a class A county adjoining a class AA county having within its boundaries existing or planned high occupancy vehicle lanes on the state highway system, may, with voter approval impose an excise tax of up to two dollars per employee per month on all employers or any class or classes of employers, public and private, including the state located in the agency's jurisdiction, measured by the number of full-time equivalent employees. The county imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

Counties may contract with the state department of revenue or other appropriate entities for administration and collection of the tax. Such contract shall provide for deduction of an amount for administration and collection expenses.

(2) The tax shall not apply to employment of a person when the employer has paid for at least half of the cost of a transit pass issued by a transit agency for that employee, valid for the period for which the tax would otherwise be owed.

(3) A county shall adopt rules which exempt from all or a portion of the tax any employer that has entered into an agreement with the county that is designed to reduce the proportion of employees who drive in single-occupant vehicles during peak commuting periods in proportion to the degree that the agreement is designed to meet the goals for the employer's location adopted under section 15 of this act.

The agreement shall include a list of specific actions that the employer will undertake to be entitled to the exemption. Employers having an exemption from all or part of the tax through this subsection shall annually certify to the county that the employer is fulfilling the terms of the agreement. The exemption continues as long as the employer is in compliance with the agreement.

If the tax authorized in section 17 of this act is also imposed by the county, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under section 17 of this act.

NEW SECTION. Sec. 15. ADOPTION OF GOALS. The legislature encourages counties, in conjunction with cities, metropolitan planning organizations, and transit agencies in metropolitan areas to adopt goals for reducing the proportion of commuters who drive in single-occupant vehicles during peak commuting periods. Any county imposing a tax under this chapter must adopt such goals. In adopting these goals, counties shall consider at least the following:

(1) Existing and anticipated levels of peak-period traffic congestion on roadways used by employees in commuting to work;

(2) Existing and anticipated levels of transit and vanpool service and carpool programs available to and from the worksite;

(3) Variations in employment density and employer size;

(4) Availability and cost of parking; and

(5) Consistency of the goals with the regional transportation plan.

NEW SECTION. Sec. 16. SURVEY OF TAX USE. The department of transportation shall include in the annual transit report under chapter (EHB 1438), Laws of 1989 an element describing actions taken under this chapter. On at least two occasions prior to December 31, 1998, the department shall include an evaluation of the effectiveness of such actions.

NEW SECTION. Sec. 17. EXCISE TAX. A class AA county and a class A county adjoining a class AA county, having within their boundaries existing or planned high occupancy vehicle lanes on the state highway system may, with voter approval, impose a local surcharge of not more than fifteen percent on the state motor vehicle excise tax paid under RCW 82.44.020(1) on vehicles registered to a person residing within the county. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090.

Counties imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to state motor vehicle excise taxes, be applicable to surcharges imposed under this section.

If the tax authorized in section 14 of this act is also imposed by the county, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under this section.

NEW SECTION. Sec. 18. HIGH OCCUPANCY VEHICLE ACCOUNT. Funds collected by the department of revenue or other entity under section 14 of this act, or by the department of licensing under section 17 of this act, less the deduction for collection expenses, shall be

deposited in the high occupancy vehicle account hereby created in the custody of the state treasurer. On the first day of the months of January, April, July, and October of each year, the state treasurer shall distribute the funds in the account to the counties on whose behalf the funds were received. The state treasurer shall make the distribution under this section without appropriation. All earnings of investments of balances in this account shall be credited to this account except as provided in RCW 43.84.090 and 43.84.092.

NEW SECTION. Sec. 19. USE OF FUNDS. Funds collected under section 14 or 17 of this act and any investment earnings accruing thereon shall be used by the county in a manner consistent with the regional transportation plan only for costs of collection, costs of preparing, adopting, and enforcing agreements under section 14(3) of this act, for construction of high occupancy vehicle lanes and related facilities, mitigation of environmental concerns that result from construction or use of high occupancy vehicle lanes and related facilities, payment of principal and interest on bonds issued for the purposes of this section, for high occupancy vehicle programs as defined in section 13(5) of this act, and for commuter rail projects in accordance with section 33 of this act. No funds collected under sections 14 or 17 of this act after June 30, 2000, may be pledged for the payment or security of the principal or interest on any bonds issued for the purposes of this section. Not more than ten percent of the funds may be used for transit agency high occupancy vehicle programs.

Priorities for construction of high occupancy vehicle lanes and related facilities shall be as follows:

(1)(a) To accelerate construction of high occupancy vehicle lanes on the interstate highway system, as well as related facilities;

(b) To finance or accelerate construction of high occupancy vehicle lanes on the noninterstate state highway system, as well as related facilities.

(2) To finance construction of high occupancy vehicle lanes on local arterials, as well as related facilities.

Moneys received by an agency under sections 12 through 21 of this act shall be used in addition to, and not as a substitute for, moneys currently used by the agency for the purposes specified in this section.

Counties may contract with cities or the state department of transportation for construction of high occupancy vehicle lanes and related facilities, and may issue general obligation bonds to fund such construction and use funds received under this chapter to pay the principal and interest on such bonds.

NEW SECTION. Sec. 20. ESTABLISH POLICIES—INTERLOCAL AGREEMENTS. Counties imposing a tax under this chapter shall enter into an agreement through the interlocal cooperation act with the department of transportation. The agreement shall provide an opportunity for the department of transportation, cities and transit agencies having within their boundaries a portion of the existing or planned high occupancy vehicle system as contained in the regional transportation plan, to coordinate programming and operational decisions affecting the high occupancy vehicle system. If two or more adjoining counties impose a tax under section 14 or 17 of this act, the counties shall jointly enter one interlocal agreement with the department of transportation.

NEW SECTION. Sec. 21. URBAN PUBLIC TRANSPORTATION SYSTEM. The high occupancy vehicle system is an urban public transportation system as defined in RCW 47.04.082.

PART III

HIGH CAPACITY SYSTEM DEVELOPMENT

NEW SECTION. Sec. 22. PURPOSE OF STATE HIGH CAPACITY TRANSPORTATION PROGRAM. Increasing congestion on Washington's roadways calls for identification and implementation of high capacity transportation system alternatives. 'High capacity transportation system' means a system of transportation services, operating principally on exclusive rights of way, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally on general purpose roadway rights of way. The legislature believes that local jurisdictions should coordinate and be responsible for high capacity transportation policy development, program planning, and implementation. The state should assist by working with local agencies on issues involving rights of way, partially financing projects meeting established state criteria, authorizing local jurisdictions to finance high capacity transportation systems through voter-approved tax options, and providing technical assistance and information.

NEW SECTION. Sec. 23. STATE POLICY ROLES IN DEVELOPMENT OF HIGH CAPACITY TRANSPORTATION SYSTEM ALTERNATIVES. The department of transportation's current policy role in transit is expanded to include other high capacity transportation development as part of a multimodal transportation system.

(1) The department of transportation shall implement a program for high capacity transportation coordination, planning, and technical studies with appropriations from the high capacity transportation account.

(2) The department shall assist local jurisdictions and metropolitan planning organizations with high capacity transportation planning efforts.

NEW SECTION. Sec. 24. HIGH CAPACITY TRANSPORTATION POLICY DEVELOPMENT OUTSIDE CENTRAL PUGET SOUND. (1) In any class A county not bordered by a class AA county and in counties of the first class and smaller, city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation.

(a) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and an implementation program including a financing program.

(b) An interim regional authority may be formed pursuant to section 25(2) of this act and shall seek voter approval of a high capacity transportation plan and financing program within its proposed service boundaries.

(2) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or nation.

NEW SECTION. Sec. 25. HIGH CAPACITY TRANSPORTATION POLICY DEVELOPMENT IN CENTRAL PUGET SOUND. (1) Agencies in a class AA county and in class A counties bordering a class AA county that are currently authorized to provide high capacity transportation planning and operating services, including but not limited to city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, must establish through interlocal agreements a joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.

(a) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative authority of the existing transit systems and a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.

(b) The joint regional policy committee shall be responsible for the preparation and adoption of a regional high capacity transportation system plan and an implementation program including a financing package. This plan shall be in conformance with the metropolitan planning organization's regional transportation plan.

(c) Interlocal agreements shall be executed within two years of the effective date of this act. The joint regional policy committee shall present a high capacity transportation plan and local funding program to the boards of directors of the transit agencies within the service area for adoption.

(d) Transit agencies shall present the adopted plan and financing program for voter approval within four years of the execution of the interlocal agreements. A simple majority vote is required for approval of the high capacity transportation plan and financing program in any service district within each county. Implementation of the program may proceed in any service area approving the plan and program.

(2) If interlocal agreements have not been executed within two years from the effective date of this act, the designated metropolitan planning organization shall convene within one hundred eighty days a conference to be attended by an elected representative selected by the legislative authority of each city and county in a class AA county and in class A counties bordering a class AA county.

(a) Public notice of the conference shall occur thirty days before the date of the conference.

(b) The purpose of the conference is to evaluate the need for developing high capacity transportation service in a class AA county and in class A counties bordering a class AA county and to determine the desirability of a regional approach to developing such service.

(c) The conference may elect to continue high capacity transportation efforts on a subregional basis through existing transit planning and operating agencies.

(d) The conference may elect to pursue regional development by creating a multicounty interim regional high capacity transportation authority. Conference members shall determine the structure and composition of any interim regional authority.

(l) The interim regional authority shall propose a permanent authority or authorities for voter approval. Permanent regional authorities shall become the responsible agencies for planning, construction, operations, and funding of high capacity transportation systems within their service boundaries. Funding sources for a regional high capacity transportation authority or authorities are separate from currently authorized funding sources for city-owned transit systems, county transportation authorities, metropolitan municipal corporations, or public transportation benefit areas.

(ii) State and local jurisdictions, county transportation authorities, metropolitan municipal corporations, or public transportation benefit areas shall retain responsibility for existing facilities and/or services, unless the responsibility is transferred to the high capacity transportation authority or authorities by interlocal agreement.

(3) If, within four years of the execution of the interlocal agreements, a high capacity transportation plan and financing program has been approved by a simple majority vote within a participating jurisdiction, that jurisdiction may proceed with high capacity transportation development. If within four years of the execution of the interlocal agreements, a high capacity transportation plan and program has not been approved by a simple majority vote within one or more of the participating jurisdictions, the joint regional policy committee shall convene within one hundred eighty days, a conference to be attended by participating jurisdictions within which a plan and financing program have not been approved. Such a conference shall be for the same purpose and shall be subject to the same conditions as described in subsection (2) of this section.

(4) High capacity transportation service planning, construction, operations, and funding shall be governed through the interlocal agreement process, including but not limited to provision for a cost allocation and distribution formula, service corridors, station area locations, right of way transfers, and feeder transportation systems. The interlocal agreement shall include a mechanism for resolving conflicts among parties to the agreement.

NEW SECTION, Sec. 26. EXPANSION OF HIGH CAPACITY TRANSPORTATION SERVICE BOUNDARIES. Regional high capacity transportation service boundaries may be expanded beyond the established service district through interlocal agreements among the transit agencies.

NEW SECTION, Sec. 27. STATE ROLE IN HIGH CAPACITY TRANSPORTATION PROGRAM PLANNING AND IMPLEMENTATION. The state's planning role in high capacity transportation development as one element of a multimodal transportation system should facilitate cooperative state and local planning efforts.

(1) The department of transportation may serve as a contractor for high capacity transportation system design, administer construction, and assist agencies authorized to provide service in the acquisition, preservation, and joint use of rights of way.

(2) The department and local jurisdictions shall continue to cooperate with respect to the development of park-and-ride facilities, associated roadways, transfer stations, people mover systems developed either by the public or private sector, and other related projects.

(3) The department in cooperation with local jurisdictions shall develop policies which enhance the development of high speed intercity systems by both the private and the public sector. These policies may address joint use of rights of way, identification and preservation of transportation corridors, and joint development of stations and other facilities.

NEW SECTION, Sec. 28. RESPONSIBILITY FOR HIGH CAPACITY TRANSPORTATION SYSTEM IMPLEMENTATION. (1) The state shall not become an operating agent for regional high capacity transportation systems.

(2) Agencies providing high capacity transportation service are responsible for planning, construction, operations, and funding including station area design and development, and parking facilities. Agencies may implement necessary contracts, joint development agreements, and interlocal government agreements. Agencies providing service shall consult with affected local jurisdictions and cooperate with comprehensive planning processes.

NEW SECTION, Sec. 29. REGIONAL TRANSPORTATION PLANNING. Regional transportation plans should be considered in adopting local land use plans. Regional transportation plans and local land use plans should address the impacts of urban growth on effective high capacity transportation planning and development, and provide for cooperation between local jurisdictions and transit agencies.

(1) Regional high capacity transportation plans shall be included in the designated metropolitan planning organization's regional transportation plan review and update process to facilitate development of a coordinated multimodal transportation system and to meet federal funding requirements.

(2) The state and local jurisdictions shall cooperate in encouraging land uses compatible with development of high capacity transportation systems. These include developing sufficient land use densities through local actions in high capacity transportation corridors and near passenger stations, preserving transit rights of way, and protecting the region's environmental quality. In developing local actions intended to carry out these policies local governments shall insure the opportunity for public comment and participation in the siting of such facilities, including stations or transfer facilities. Agencies providing high capacity transportation services, in cooperation with public and private interests, shall promote transit-compatible land uses and development which includes joint development.

(3) Agencies providing high capacity transportation service and transit agencies shall develop a cooperative process for the planning, development, operations, and funding of feeder transportation systems. Feeder systems may include existing and future intercity passenger systems and alternative technology people mover systems which may be developed by the private or public sector.

(4) Jurisdictions, working through their designated metropolitan planning organizations, shall manage a right of way preservation review process which includes activities to promote the preservation of the high capacity transportation rights of way.

(a) Jurisdictions shall forward all development proposals for projects within and adjoining to the rights of way proposed for preservation to the designated metropolitan planning organizations, which shall distribute the proposals for local and regional agency review.

(b) The metropolitan planning organizations shall also review proposals for conformance with the regional transportation plan and associated regional development strategies. The designated metropolitan planning organization shall within ninety days compile local and regional agency comments and communicate the same to the originating jurisdiction and the joint regional policy committee or, if established, a regional high capacity transportation authority.

NEW SECTION, Sec. 30. DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES. The department of transportation shall, upon dissolution of the rail development commission, assume responsibility for distributing amounts appropriated from the high capacity transportation account and shall prioritize funding requests based on criteria in subsection (3) of this section.

(1) The department shall establish an advisory council of policy and technical experts pursuant to RCW 47.01.091 to assist in the review of requests for high capacity transportation account funds. The council shall be comprised of one representative from each congressional district, a designee of the governor, the executive director or a designee of the transportation improvement board, the director of the Washington state transportation center, and the chair or designee of the legislative transportation committee.

(2) State high capacity transportation account funds may provide up to eighty percent matching assistance for high capacity transportation planning efforts and for support of interim regional high capacity transportation authorities.

(3) Authorizations for state funding for high capacity transportation planning projects shall be subject to the following criteria:

(a) Conformance with the designated metropolitan planning organization's regional transportation plan;

(b) Local matching funds;

(c) Demonstration of projected improvement in regional mobility;

(d) Conformance with planning requirements prescribed in section 31 of this act, and if five hundred thousand dollars or more in state funding is requested, conformance with the requirements of section 32 of this act; and

(e)(i) Establishment, through interlocal agreements, of a regional policy committee with proportional representation based upon population distribution within each agency's designated service area as defined in section 24 of this act;

(ii) Establishment of a demonstrated regional agreement through a multijurisdictional conference to pursue high capacity transportation development on a subregional basis through established transit planning and operating agencies as defined in section 25 of this act; or

(iii) Establishment, through a multijurisdictional conference, of an interim high capacity transportation authority as defined in section 25 of this act.

(4) The department of transportation shall provide general review and monitoring of the planning process prescribed in section 31 of this act.

NEW SECTION, Sec. 31. PLANNING PROCESS. To assure the adoption of an effective high capacity transportation system, local authorities shall follow the following planning process:

(1) System planning is the ongoing urban transportation planning process conducted in each urbanized area by its metropolitan planning organization. During this process, regional transportation goals are identified, travel patterns are analyzed, and future land use and travel are projected. The system planning process provides a comprehensive view of the region's transportation needs but does not select a specified mode to serve those needs. System planning shall identify a priority corridor for further study of high capacity transportation facilities if it is deemed feasible by local officials.

(2)(a) Project planning is the detailed evaluation of a range of transportation options, including (i) do nothing, (ii) low capital, and (iii) ranges of higher capital facilities.

(b) Project planning shall proceed as follows:

(i) Organization and management. The responsible local transit agency or agencies shall define roles for various local agencies, review background information, provide for public involvement, and develop a detailed work plan for the project planning process.

(ii) Development of options. Options to be studied shall be developed to ensure an appropriate range of technologies and service policies can be evaluated. A do-nothing option and a low capital option that maximizes the current system shall be developed. Several higher capital options that consider several candidate technologies shall be developed.

(iii) Analysis methods. The local transit agency shall develop reports describing the analysis and assumptions for the estimation of capital costs, operating and maintenance costs, methods for travel forecasting, a financial plan and an evaluation methodology.

(iv) Study of options. The local transit agency shall use the methods described in (iii) of this subsection to produce impact information needed for project evaluation and for the preparation of an environmental impact statement. The impact evaluation shall address the impact that such a project will have on abutting or nearby residential or commercial property owners. The process of identification of corridors shall include notification of affected property owners by normal legal publication. At minimum, such notification shall include notice on the same day for at least three weeks in at least two newspapers of general circulation in the county where such project is proposed. Special notice of hearings by the conspicuous posting of notice, in a manner designed to attract public attention, in the vicinity of areas identified for station locations or transfer sites shall also be provided.

(v) Review and monitor. The department of transportation shall provide project review and monitoring in cooperation with the expert review panel identified in section 32 of this act. In addition, the local transit agency shall maintain a continuous public involvement program and seek involvement of other government agencies.

(vi) Detailed planning process. In order to increase the likelihood of future federal funding, the system and project planning processes shall follow the urban mass transportation administration's requirements as described in 'Procedures and Technical Methods for Transit Project Planning', published by the United States department of transportation, urban mass transportation administration, September 1986, or the most recent edition. Nothing in this subsection shall be construed to preclude detailed evaluation of more than one corridor in the planning process.

NEW SECTION. Sec. 32. INDEPENDENT PROJECT OVERSIGHT. The legislature recognizes that the planning process described in section 31 of this act provides a recognized framework for guiding high capacity transportation studies. However, the process cannot guarantee appropriate transit decisions unless key study assumptions are reasonable.

To assure appropriate project assumptions and to provide for review of project results, the department of transportation shall develop independent oversight procedures which are appropriate to the scope of any project for which high capacity transportation account funds are requested.

An expert review panel shall be appointed to provide independent technical review for any project which is to be funded in whole or in part by the imposition of any voter-approved local option funding sources enumerated in section 35 of this act.

(1) The expert review panel shall consist of ten members who are recognized experts in relevant fields, such as transit operations, planning, emerging transportation technologies, engineering, finance, law, the environment, geography, economics, and political science.

(2) The expert review panel shall be selected cooperatively by the chair of the legislative transportation committee, the secretary of the department of transportation, and the governor to assure a balance of disciplines.

(3) The chair of the expert review panel shall be designated by the appointing body.

(4) The expert review panel shall serve without compensation but shall be reimbursed for expenses according to chapter 43.03 RCW.

(5) Funds appropriated for expenses of the expert panel shall be administered by the department of transportation.

(6) The expert panel shall review all reports required in section 31(2)(b)(vi) of this act but shall concentrate on service modes and concepts, costs, patronage, financing, and project evaluation.

(7) The expert panel shall provide timely reviews and comments on individual project reports and study conclusions to the governor, the legislative transportation committee, the department of transportation, and the submitting lead transit agency.

(8) The legislative transportation committee shall contract for consulting services for expert review panels. The amount of consultant support shall be negotiated with each expert review panel by the legislative transportation committee and shall be paid from the high capacity transportation account.

NEW SECTION. Sec. 33. COMMUTER RAIL SERVICE. (1) City-owned transit service, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may operate or contract for commuter rail service where it is deemed to be a reasonable alternative transit mode.

(2) A county may use funds collected under section 14 or 17 of this act to contract with one or more transit agencies for planning, operation, and maintenance of commuter rail projects which: (a) Are consistent with the regional transportation plan; (b) have met the project planning and oversight requirements of sections 31 and 32 of this act; and (c) have been approved by the voters within the service area of each transit agency participating in the project. The phrase 'approved by the voters' includes specific funding authorization for the commuter rail project.

(3) The utilities and transportation commission shall maintain safety responsibility for passenger rail service operating on freight rail lines. Agencies providing passenger rail service on lines other than freight rail lines shall maintain safety responsibility for that service.

NEW SECTION, Sec. 34. FINANCIAL RESPONSIBILITY. Agencies providing high capacity transportation service shall determine optimal debt-to-equity ratios, establish capital and operations allocations, and establish fare-box recovery return policy.

NEW SECTION, Sec. 35. FINANCING FOR HIGH CAPACITY TRANSPORTATION PROGRAMS.

(1) Agencies authorized to provide high capacity transportation service, including city-owned transit systems, county transportation authorities, metropolitan municipal corporations and public transportation benefit areas, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in sections 41, 42, and 43 of this act, are authorized only for agencies located in class AA counties, class A counties, counties of the first class which border another state, and counties which, on the effective date of this act, are of the second class and which adjoin class A counties.

(2) Agencies providing high capacity transportation service should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development through interlocal agreements or a conference-approved interim regional rail authority or subregional process as defined in section 25 of this act are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in section 41 of this act;
- (b) Special motor vehicle excise tax as provided in section 42 of this act; and
- (c) Sales and use tax as provided in section 43 of this act.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (8) of this section. Before an agency may impose any of the taxes enumerated in this section and authorized in sections 41, 42, and 43 of this act, it must comply with the process prescribed in sections 31 and 32 of this act.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of existing transit agencies. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies providing high capacity transportation service may contract with the state for collection and transference of local option revenue.

(7) Dedicated high capacity transportation funding shall be subject to voter approval by a simple majority.

(8) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation, commuter rail, and feeder transportation systems.

PART IV AMTRAK ACTIVITIES

NEW SECTION, Sec. 36. AMTRAK. The department, in conjunction with local jurisdictions, shall coordinate as appropriate with the designated metropolitan planning organizations to develop a program for improving Amtrak passenger rail service. The program may include:

- (1) Determination of the appropriate level of Amtrak passenger rail service;
- (2) Implementation of higher train speeds for Amtrak passenger rail service, where safety considerations permit;
- (3) Recognition, in the state's long range planning process, of potential higher speed intercity passenger rail service, while monitoring socioeconomic and technological conditions as indicators for higher speed systems; and
- (4) Identification of existing intercity rail rights of way which may be used for public transportation corridors in the future.

NEW SECTION, Sec. 37. AMTRAK DEPOTS. The department shall, when feasible, assist local jurisdictions in upgrading Amtrak depots. Multimodal use of these facilities shall be encouraged.

NEW SECTION, Sec. 38. AMTRAK SERVICE EXTENSION. (1) The department, in conjunction with local jurisdictions, shall coordinate as appropriate with designated metropolitan and provincial transportation organizations to pursue resumption of Amtrak service from Seattle to Vancouver, British Columbia, via Everett, Mount Vernon, and Bellingham.

(2) The department, in conjunction with local jurisdictions, shall study potential Amtrak service on the following routes:

- (a) Daytime Spokane-Wenatchee-Everett-Seattle service;
- (b) Daytime Spokane-Tri-Cities-Vancouver-Portland service;
- (c) Tri-Cities-Yakima-Ellensburg-Seattle service, if the Stampede Pass route is reopened;

and

(d) More frequent Portland-Vancouver-Kelso-Centralia-Olympia-Tacoma-Seattle service or increments thereof.

NEW SECTION. Sec. 39. AMTRAK COORDINATION. The department, with other state and local agencies shall coordinate as appropriate with designated metropolitan planning organizations to provide public information with respect to common carrier passenger transportation. This information may include maps, routes, and schedules of passenger rail service, local transit agencies, air carriers, private ground transportation providers, and international, state, and local ferry services.

The state shall continue its cooperative relationship with Amtrak and Canadian passenger rail systems.

NEW SECTION. Sec. 40. AMTRAK SERVICE. The department, in conjunction with local jurisdictions, shall recommend to the legislature the appropriate level, source, and justification for funding of improved Amtrak passenger rail service.

PART V

HIGH CAPACITY FUNDING AUTHORIZATIONS

NEW SECTION. Sec. 41. EMPLOYER TAX FOR HIGH CAPACITY TRANSPORTATION SERVICE. Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, solely for the purpose of providing high capacity transportation service may submit an authorizing proposition to the voters and if approved may impose an excise tax of up to two dollars per month on all employers located within the agency's jurisdiction, measured by the number of full-time equivalent employees. The rate of tax shall be approved by the voters. This tax may not be imposed by an agency when the county within which it is located is imposing an excise tax pursuant to section 14 of this act. The agency imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

NEW SECTION. Sec. 42. MOTOR VEHICLE EXCISE TAX FOR HIGH CAPACITY TRANSPORTATION SERVICE. Any city that operates a transit system, county transportation authority, metropolitan municipal corporation, or public transportation benefit area, solely for the purpose of providing high capacity transportation service may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eighty one-hundredths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of such city, county transportation authority, metropolitan municipal corporation, or public transportation benefit area. In any county imposing a motor vehicle excise tax surcharge pursuant to section 17 of this act, the maximum tax rate under this section shall be reduced to a rate equal to eighty one-hundredths of one percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed pursuant to section 17 of this act. This authority may be exercised only if all local agencies which are parties to an interlocal agreement or members of a regional authority under section 25 of this act are imposing the tax at the same rate. This rate shall not apply to vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090.

NEW SECTION. Sec. 43. SALES AND USE TAXES FOR HIGH CAPACITY TRANSPORTATION SERVICE. The legislative bodies of cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, solely for the purpose of providing high capacity transportation service may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, county transportation authority, metropolitan municipal corporation, or public transportation benefit area, as the case may be. The rate of such tax shall be approved by the voters and shall not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax).

NEW SECTION. Sec. 44. BOND RETIREMENT FOR HIGH CAPACITY TRANSPORTATION SERVICE. Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas are authorized to pledge revenues from the employer tax authorized by section 41 of this act, the special motor vehicle excise tax authorized by section 42 of this act, and the sales and use tax authorized by section 43 of this act, to retire bonds issued solely for the purpose of providing high capacity transportation service.

NEW SECTION. Sec. 45. CONTRACT FOR COLLECTION OF TAXES. Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public

transportation benefit areas may contract with the state department of revenue or other appropriate entities for administration and collection of any tax authorized by sections 41, 42, and 43 of this act.

PART VI
HIGH CAPACITY TRANSPORTATION ACCOUNT

NEW SECTION. Sec. 46. HIGH CAPACITY TRANSPORTATION ACCOUNT REVIEW. The department of transportation shall review the high capacity transportation account funding sources and allocation formula and propose any appropriate changes to the 1991 legislature.

Sec. 47. Section 1, chapter 428, Laws of 1987 and RCW 47.78.010 are each amended to read as follows:

There is hereby established in the state treasury the ~~((rail development))~~ high capacity transportation account. Money in the account shall be used, after appropriation, for local ~~((rail passenger and))~~ high capacity transportation purposes including rail freight ((purposes)). All earnings of investments of any balances in the ~~((rail development))~~ high capacity transportation account shall be credited to the ~~((rail development))~~ account except as provided in RCW 43.84.090 and 43.84.092.

Sec. 48. Section 1, chapter 18, Laws of 1988 and RCW 82.44.150 are each amended to read as follows:

(1) The director of licensing shall on the twenty-fifth day of February, May, August, and November of each year, commencing with November, 1971, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department of licensing during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.020(6) and 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(6) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department of licensing shall make the following apportionment and distribution of motor vehicle excise taxes deposited in the general fund except taxes collected under RCW 82.44.020(6). A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; a sum equal to two percent thereof shall be allocable to the county sales and use tax equalization account under RCW 82.14.200; and a sum equal to four and two-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax at a rate not exceeding ninety-six one-hundredths of one percent on the fair market value of every motor vehicle owned by a resident of such municipality shall be deposited in the ~~((rail development))~~ high capacity transportation account established in RCW 47.78.010.

(3) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state according to the following formula:

(a) Sixty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned ratably on the basis of population as last determined by the office of financial management.

(b) Thirty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned to cities and towns under RCW 82.14.210.

(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

(5) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department of licensing, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-

generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(6) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (5) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (5) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (5) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(7) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(8) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (5) of this section.

PART VII

MISCELLANEOUS

Sec. 49. Section 35.92.060, chapter 7, Laws of 1965 as last amended by section 10, chapter 445, Laws of 1985 and RCW 35.92.060 are each amended to read as follows:

A city or town may also construct, condemn and purchase, purchase, acquire, add to, alter, maintain, operate, or lease cable, electric, and other railways, automobiles, motor cars, motor buses, auto trucks, and any and all other forms or methods of transportation of freight or passengers within the corporate limits of the city or town and a first class city may operate such forms or methods of transportation beyond the corporate limits of the city but not beyond the boundaries of the county in which the city is located, for the transportation of freight and passengers above, upon, or underneath the ground. It may also fix, alter, regulate, and control the fares and rates to be charged therefor; and fares or rates may be adjusted or eliminated for any distinguishable class of users including, but not limited to, senior citizens, handicapped persons, and students. Without the payment of any license fee or tax, or the filing of a bond with, or the securing of a permit from, the state, or any department thereof, the city or town may engage in, carry on, and operate the business of transporting and carrying passengers or freight for hire by any method or combination of methods that the legislative authority of any city or town may by ordinance provide, with full authority to regulate and control the use and operation of vehicles or other agencies of transportation used for such business.

NEW SECTION. Sec. 50. The legislative transportation committee shall study the issues associated with public and private acquisition of abandoned rail corridors and rail corridors banked for future rail use as provided for under state and federal law respectively. The committee shall report its findings and recommendations to the senate and house transportation committees by December 1, 1990.

NEW SECTION. Sec. 51. Sections 1 through 10 of this act are each added to chapter 47.76 RCW.

NEW SECTION. Sec. 52. Sections 12 through 21 of this act shall constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 53. Sections 22 through 35 and 41 through 45 of this act shall constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 54. Sections 36 through 40 of this act shall constitute a new chapter in Title 47 RCW.

NEW SECTION. Sec. 55. Section headings, part headings, and the index as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 56. This act shall be liberally construed to give effect to the intent of this act.

NEW SECTION. Sec. 57. 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. 58. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 47.78.010, 82.44.150, and 35.92.060; reenacting and amending RCW 47.76.030; adding new sections to chapter 47.76 RCW; adding a new chapter to Title 47 RCW; adding new chapters to Title 81 RCW; creating new sections; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1825.

Mr. Fuhrman spoke against the motion, and Representatives R. Fisher, Wood and Nelson spoke in favor of it. Mr. Fuhrman again opposed the motion.

The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1825 as amended by the Senate.

POINT OF INQUIRY

Ms. R. Fisher yielded to question by Mr. Dorn.

Mr. Dorn: My question is: Section 49 authorizes first class cities to "operate" certain transportation systems outside of city limits but within county boundaries. Is the term "operate" intended to include the other authority in that section such as acquisition and maintenance?

Ms. R. Fisher: The amendment of RCW 35.92.060 in Section 49 is intended to provide first class cities the ability to operate such systems. Implicit in this amendment is the authority to acquire property and exercise other rights of ownership.

I have also discussed the Senate amendment with its author. It was the amendment's intent that the other rights of ownership are implied in the language authorizing first class cities to "operate" outside their limits. That is why the amendment, adopted in the Senate committee and by the Senate, qualified first class cities for funding from the Essential Rail Banking Account and the Essential Rail Assistance Account and authorized limited expansion of city transportation systems beyond city boundaries.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1825 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 66; nays, 27; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Beck, Bennett, Betzoff, Braddock, Brekke, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Horn, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Smith, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luven, Vekich, Wang, Wilson K, Wineberry, Wood, Zellinsky, and Mr. Speaker - 66.

Voting nay: Representatives Ballard, Bowman, Brooks, Brumsickle, Dorn, Doty, Fuhrman, Hankins, Holland, Insee, Kirby, McLean, Morris, Moyer, Myers H, Nealey, Prince, Rector, Schmidt, Silver, Sommers D, Tate, Walker, Wilson S, Winsley, Wolfe, Youngsman - 27.

Excused: Representatives Belcher, Gallagher, Phillips, Raiter - 4.

Engrossed Substitute House Bill No. 1825 as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 1990

Mr. Speaker:

The Senate refuses to recede from its amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2932, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Barr, Hansen and Newhouse.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. K. Wilson moved that the House grant the request of the Senate for a conference on Engrossed Substitute House Bill No. 2932. The motion, was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives K. Wilson, R. Fisher and Miller as conferees on Engrossed Substitute House Bill No. 2932.

SENATE AMENDMENTS TO HOUSE BILL

February 28, 1990

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2413 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 265, Laws of 1984 as amended by section 2, chapter 66, Laws of 1989 and RCW 28A.03.432 are each amended to read as follows:

A program to increase the number of people from groups underrepresented in the fields of mathematics, engineering, and the physical sciences in this state shall be established by the University of Washington. The program shall be administered through the University of Washington and designed to:

(1) Encourage students in the targeted groups in the common schools, with a particular emphasis on those students in middle and junior high schools and the ~~((ninth))~~ sixth through twelfth grades, to acquire the academic skills needed to study mathematics, engineering, or related sciences at an institution of higher education;

(2) Promote the awareness of career opportunities including the career opportunities of teaching in the fields of science and mathematics and the skills necessary to achieve those opportunities among students sufficiently early in their educational careers to permit and encourage the students to acquire the skills;

(3) Promote cooperation among institutions of higher education, the superintendent of public instruction and local school districts in working towards the goals of the program; and

(4) Solicit contributions of time and resources from public and private institutions of higher education, high schools, middle and junior high schools, and private business and industry.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 1 of the title, after "opportunities;" strike the remainder of the title and insert "amending RCW 28A.03.432; and creating a new section." and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jacobsen moved that the House refuse to concur in the Senate amendments to Engrossed House Bill No. 2413 and ask the Senate for a conference thereon.

Mr. Jacobsen spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Jacobsen, Peery and Wood as conferees on Engrossed House Bill No. 2413.

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

INTRODUCTION AND FIRST READING

HCR 4438 by Representative Ebersole

Exempting Senate Bill No. 6799 and House Bill No. 2964 from session cut-off dates.

MOTIONS

On motion of Mr. Heavey, the rules were suspended and the resolution was advanced to second reading and read the second time in full.

Mr. Heavey moved that the rules be suspended, the second reading considered the third, and the resolution be placed on final passage.

Representatives Heavey and Brough spoke in favor of the resolution.

House Concurrent Resolution No. 4438 was adopted.

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

MOTION

On motion of Mr. Heavey, the House adjourned until 9:00 a.m., Tuesday, March 6, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, March 6, 1990

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Brekke, Dorn and Sprengle. On motion of Ms. Fraser, Representative Dorn was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andy Ness and Jessica Miller. Prayer was offered by Mary-Lynne Reiner of Temple Beth Hatfiloh.

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

MESSAGES FROM THE SENATE

March 5, 1990

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4438,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 5, 1990

Mr. Speaker:

The Senate concurred in the House amendment(s) and passed the following bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5013,
 ENGROSSED SENATE BILL NO. 5169,
 SUBSTITUTE SENATE BILL NO. 5300,
 SUBSTITUTE SENATE BILL NO. 6195,
 SUBSTITUTE SENATE BILL NO. 6221,
 SENATE BILL NO. 6304,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6330,
 SENATE BILL NO. 6370,
 SENATE BILL NO. 6399,
 SUBSTITUTE SENATE BILL NO. 6474,
 SENATE BILL NO. 6528,
 SENATE BILL NO. 6571,
 SENATE BILL NO. 6574,
 SUBSTITUTE SENATE BILL NO. 6575,
 SENATE BILL NO. 6577,
 SUBSTITUTE SENATE BILL NO. 6681,
 SUBSTITUTE SENATE BILL NO. 6698,
 SUBSTITUTE SENATE BILL NO. 6701,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6726,
 SENATE BILL NO. 6727,
 SUBSTITUTE SENATE BILL NO. 6729.

W. D. Naismith, Assistant Secretary.

March 5, 1990

Mr. Speaker:

The Senate grants the request of the House for a conference on HOUSE BILL NO. 1307. The President has appointed the following members as conferees: Senators Craswell, Niemi and Bailey.

W. D. Naismith, Assistant Secretary.

March 5, 1990

Mr. Speaker:

The Senate grants the request of the House for a conference on SECOND SUBSTITUTE HOUSE BILL NO. 2122. The President has appointed the following members as conferees: Senators Nelson, Niemi and Craswell.

W. D. Naismith, Assistant Secretary.

March 5, 1990

Mr. Speaker:

The Senate grants the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 2403. The President has appointed the following members as conferees: Senators Thorsness, Madsen and Bailey.

W. D. Naismith, Assistant Secretary.

March 5, 1990

Mr. Speaker:

The Senate grants the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2430. The President has appointed the following members as conferees: Senators von Reichbauer, McMullen and Anderson.

W. D. Naismith, Assistant Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2077 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to establish a system to accurately monitor the incidence of cancer in the state of Washington for the purposes of understanding, controlling, and reducing the occurrence of cancer in this state. In order to accomplish this, the legislature has determined that cancer cases shall be reported to the department of health, and that there shall be established a state-wide population-based cancer registry.

NEW SECTION. Sec. 2. The secretary of health may contract with either a recognized regional cancer research institution or regional tumor registry, or both, which shall hereinafter be called the contractor, to establish a state-wide cancer registry program and to obtain cancer reports from all or a portion of the state as required in section 3 of this act and to make available data for use in cancer research and for purposes of improving the public health.

NEW SECTION. Sec. 3. (1) The department of health shall adopt rules as to which types of cancer shall be reported, who shall report, and the form and timing of the reports.

(2) Every health care facility and independent clinical laboratory, and those physicians or others providing health care who diagnose or treat any patient with cancer who is not hospitalized within one month of diagnosis, will provide the contractor with the information required under subsection (1) of this section. The required information may be collected on a regional basis where such a system exists and forwarded to the contractor in a form suitable for the purposes of sections 2 through 6 of this act. Such reporting arrangements shall be reduced to a written agreement between the contractor and any regional reporting agency which shall detail the manner, form, and timeliness of the reporting.

NEW SECTION. Sec. 4. (1) Data obtained under section 3 of this act shall be used for statistical, scientific, medical research, and public health purposes only.

(2) The department and its contractor shall ensure that access to data contained in the registry is consistent with federal law for the protection of human subjects and consistent with chapter 42.48 RCW.

NEW SECTION. Sec. 5. Providing information required under section 3 or 4 of this act shall not create any liability on the part of the provider nor shall it constitute a breach of confidentiality. The contractor shall, at the request of the provider, but not more frequently than once a year, sign an oath of confidentiality, which reads substantially as follows:

'As a condition of conducting research concerning persons who have received services from (name of the health care provider or facility), I agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such research that could lead to identification of such persons receiving services, or to the identification of their health care providers. I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.'

NEW SECTION. Sec. 6. The department shall adopt rules to implement sections 2 through 5 of this act, including but not limited to a definition of cancer.

NEW SECTION. Sec. 7. Sections 2 through 6 of this act are each added to chapter 70.54 RCW.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.'

On page 1, line 1 of the title, after "reporting;" strike the remainder of the title and insert "adding new sections to chapter 70.54 RCW; and creating new sections."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Brooks moved that the House do concur in the Senate amendments to Second Substitute House Bill No. 2077.

Mr. Brooks spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2077 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2077 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insole, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Brekke, Sprenkle - 2.

Excused: Representative Dorn - 1.

Second Substitute House Bill No. 2077 as amended by the Senate, having received the constitutional majority, was declared passed.

Representative Brekke appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2312 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 294, Laws of 1986 and RCW 43.250.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) 'Public funds investment account' or 'investment pool' means the aggregate of all funds ~~((from political subdivisions))~~ as defined in subsection (4) of this section that are placed in the custody of the state treasurer for investment and reinvestment.

(2) 'Political subdivision' means any county, city, town, municipal corporation, political subdivision, or special purpose taxing district in the state.

(3) 'Local government official' means any officer or employee of a political subdivision who has been designated by statute or by local charter, ordinance, or resolution as the officer

having the authority to invest the funds of the political subdivision. However, the county treasurer shall be deemed the only local government official for all political subdivisions for which the county treasurer has exclusive statutory authority to invest the funds thereof.

(4) 'Funds' means:

(a) Public funds under the control of or in the custody of any local government official by virtue of the official's authority that are not immediately required to meet current demands;

(b) State funds that are the proceeds of bonds, notes, or other evidences of indebtedness authorized by the state finance committee under chapter 39.42 RCW or payments pursuant to financing contracts under chapter 39.94 RCW, when the investments are made in order to comply with the Internal Revenue Code of 1986, as amended.

Sec. 2. Section 3, chapter 294, Laws of 1986 and RCW 43.250.030 are each amended to read as follows:

There is created a trust fund in the state treasury to be known as the public funds investment account. All moneys remitted (~~by local government officials~~) under this chapter shall be deposited in this account. The earnings on any balances in the public funds investment account shall be credited to the public funds investment account, notwithstanding RCW 43.84.090.

Sec. 3. Section 6, chapter 294, Laws of 1986 and RCW 43.250.060 are each amended to read as follows:

The state treasurer shall by rule prescribe the time periods for investments in the investment pool and the procedure for withdrawal of funds from the investment pool. The state treasurer shall promulgate such other rules as are deemed necessary for the efficient operation of the investment pool. The rules shall also provide for the administrative expenses of the investment pool, including repayment of the initial administrative costs financed out of the appropriation included in (~~this act~~) chapter 294, Laws of 1986, to be paid from the pool's earnings and for the interest earnings in excess of the expenses to be credited or paid to (~~the political subdivisions participating~~) participants in the pool. The state treasurer may deduct the amounts necessary to reimburse the treasurer's office for the actual expenses the office incurs and to repay any funds appropriated and expended for the initial administrative costs of the pool. Any credits or payments to (~~political subdivisions~~) the participants shall be calculated and made in a manner which equitably reflects the differing amounts of the (~~political subdivisions~~) participants' respective deposits in the investment pool fund and the differing periods of time for which the amounts were placed in the investment pool.

Sec. 4. Section 7, chapter 294, Laws of 1986 and RCW 43.250.070 are each amended to read as follows:

The state treasurer shall keep a separate account for each (~~political subdivision~~) participant having funds in the investment pool. Each separate account shall record the individual amounts deposited in the investment pool, the date of withdrawals, and the earnings credited or paid (~~to the political subdivision~~). The state treasurer shall report monthly the status of the respective account to each (~~local government official~~) participant having funds in the pool during the previous month.

Sec. 5. Section 43.84.090, chapter 8, Laws of 1965 as last amended by section 5, chapter 233, Laws of 1985 and RCW 43.84.090 are each amended to read as follows:

Except as otherwise provided by RCW 43.250.030 and 67.40.025, twenty percent of all income received from such investments shall be deposited in the state general fund."

In line 1 of the title, after "funds;" strike the remainder of the title and insert "and amending RCW 43.250.020, 43.250.030, 43.250.060, 43.250.070, and 43.84.090."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rasmussen moved that the House do concur in the Senate amendments to House Bill No. 2312. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 2312 as amended by the Senate.

Representatives H. Sommers and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2312 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee,

Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zelinsky, and Mr. Speaker - 95.

Absent: Representative Sprenkle - 1.

Excused: Representative Dorn - 1.

House Bill No. 2312 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2395 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 24, chapter 67, Laws of 1983 1st ex. sess. as amended by section 5, chapter 476, Laws of 1987 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. However, nursing staff levels established under subsection (3) of this section shall not apply to the nursing services cost center reimbursement rate for the pilot facility especially designed to meet the needs of persons living with AIDS as defined by RCW 70.24.017 and specifically authorized for this purpose under the 1989 amendment to the Washington state health plan. 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.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title, after "AIDS;" strike the remainder of the title and insert "amending RCW 74.46.481; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Day moved that the House do concur in the Senate amendments to House Bill No. 2395.

Representatives Day and Brooks spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 2395 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2395 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Former, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt,

Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Sprengle - 1.

Excused: Representative Dorn - 1.

House Bill No. 2395 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2443 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The Warren G. Magnuson institute for biomedical research and health professions training is established within the Warren G. Magnuson health sciences center at the University of Washington. The institute shall be administered by the university. The institute may be funded through a combination of federal, state, and private funds, including earnings on the endowment fund in section 6 of this act.

NEW SECTION. Sec. 2. The purposes of the Warren G. Magnuson institute for biomedical research and health professions training are as follows:

- (1) Supporting one or more individuals engaged in biomedical research into the causes of, the treatments for, or the management of diabetes is the primary purpose of the institute;
- (2) Providing financial assistance to students in graduate or postgraduate training programs in the health professions at the university is the secondary purpose of the institute;
- (3) Supporting biomedical research into the causes of, the treatment for, or the management of Parkinson's disease, osteoporosis, or any other disease or medical disorder where the achievement of a significant result in the near term is especially promising; and
- (4) Enhancing the training, research, and public service missions of the health sciences schools of the University of Washington.

NEW SECTION. Sec. 3. Unless designated otherwise by donors, the earnings on the endowment fund in section 6 of this act shall be distributed as follows:

- (1) Earnings on the first seven hundred fifty thousand dollars shall be expended at the direction of the dean of the school of medicine, in support of one or more individuals engaged in biomedical research into the causes of, the treatments for, or the management of diabetes;
- (2) Earnings on the next two hundred fifty thousand dollars shall be expended to provide financial assistance to students in graduate or postgraduate training programs in the health professions at the university, including: Medicine, nursing, public health and community medicine, dentistry, pharmacy, and social work. At least one such student at all times shall be in a career pathway preparing for or engaged in research related to diabetes, its antecedents, or complications; and
- (3) Earnings on additional funds within the endowment may be used for any purpose of the institute as outlined in section 2 of this act.

NEW SECTION. Sec. 4. The Warren G. Magnuson institute trust fund is hereby established. The trust fund shall be administered by the state treasurer. Funds appropriated by the legislature for the trust fund shall be deposited into the trust fund. All moneys deposited in the trust fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments or balances of the trust fund shall be credited to the fund. At the request of the board of regents of the University of Washington, and when conditions set forth in section 5 of this act are met, the treasurer shall release state matching moneys in the fund to the University of Washington's local endowment fund. No appropriation is required for expenditures from the trust fund.

NEW SECTION. Sec. 5. The University of Washington may apply to the treasurer for five hundred thousand dollars from the Warren G. Magnuson institute trust fund when the university can match the state funds with an amount of cash donations equal to twice the state funds provided. Private donations mean moneys from nonstate sources that include, but are not limited to federal moneys and assessments by commodity commissions authorized to conduct research activities including but not limited to research studies authorized under RCW 15.66.030 and 15.65.040.

NEW SECTION. Sec. 6. The state matching funds and the private donations shall be deposited in the university's local endowment fund. The university is responsible for investing and maintaining all moneys within the fund. The principal of the invested endowment fund shall not be invaded. The university may augment the endowment fund with additional private donations. The earnings of the fund shall be used solely to support the purposes of the Warren G. Magnuson institute for biomedical research and health professions training as set forth in section 2 of this act.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are each added to chapter 28B.20 RCW.

NEW SECTION. Sec. 8. If specific funding for this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, this act shall be null and void."

On page 1, line 2 of the title, after "training;" strike the remainder of the title and insert "adding new sections to chapter 28B.20 RCW; and creating a new section." and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jacobsen moved that the House do concur in the Senate amendments to Second Substitute House Bill No. 2443.

Mr. Jacobsen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2443 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2443 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Prufft, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Veitch, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Sprengle - 1.

Excused: Representative Dorn - 1.

Second Substitute House Bill No. 2443 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

February 28, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2726 with the following amendments:

On page 2, after line 13, insert the following:

"Sec. 2. Section 2, chapter 136, Laws of 1967 and RCW 53.36.130 are each amended to read as follows:

Funds for promotional hosting expenditures shall be expended only from gross operating revenues and shall not exceed one percent thereof upon the first two million five hundred thousand dollars of such gross operating revenues, one-half of one percent upon the next two million five hundred thousand dollars of such gross operating revenues, and one-fourth of one percent on the excess over five million dollars of such operating revenues: PROVIDED, HOWEVER, That in no case shall these limitations restrict a port district that has been designated an associate development organization by the department of trade and economic development to less than five thousand dollars per year or any other port district to less than twenty-five hundred dollars per year from any funds available to the port."

Remember the remaining section consecutively.

On page 1, line 2 of the title, after "53.36.030" insert "and 53.36.130" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jesernig moved that the House do concur in the Senate amendments to Substitute House Bill No. 2726.

POINT OF ORDER

Ms. Haugen: Mr. Speaker, I move for a ruling on the scope and object of the amendment.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) deferred further consideration of Substitute House Bill No. 2726.

MOTION

On motion of Ms. Cole, Representative Sprengle was excused.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2775 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 29.04 RCW to read as follows:

(1) Beginning January 1, 1993, no voting device or machine may be used in a county of the second class or larger to conduct a primary or general or special election in this state unless it correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election.

(2) Beginning January 1, 1993, the secretary of state shall not certify under this title any voting device or machine for use in conducting a primary or general or special election in this state unless the device or machine correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election.

(3) Beginning January 1, 1993, a county of the third class or smaller may use a voting machine or device for conducting a primary or general or special election which does not record on a separate ballot, available for audit purposes after the primary or election, the votes cast by each elector for any person and for or against any measure if:

(a) The device was certified under this title before January 1, 1993, for use in this state;

(b) The device otherwise satisfies the requirements of this title; and

(c) Not more than twenty percent of the votes cast during any primary or general or special election conducted after January 1, 1998, in the county are cast using such a machine or device.

(4) The purpose of subsection (3) of this section is to permit less populous counties to replace voting equipment in stages over several years. These less populous counties are, nonetheless, encouraged to secure as expeditiously as possible voting equipment which would satisfy the requirements of subsection (1) of this section established for more populous counties. The secretary of state shall report to the legislature by January 1st of each odd-numbered year through 1997 on the progress of such less populous counties in replacing equipment which does not satisfy the requirements of subsection (1) of this section established for more populous counties.

Sec. 2. Section 6, chapter 1, Laws of 1980 and RCW 43.135.060 are each amended to read as follows:

(1) The legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any taxing district unless the districts are reimbursed for the costs thereof by the state.

(2) That proportion of state tax revenue which consists of direct state appropriations to taxing districts taken as a group shall not be decreased below that proportion appropriated in the biennium immediately preceding January 1, 1980: PROVIDED, This proportion shall be decreased in any fiscal year only if: (a) The legislature decreases the state tax revenue limit for that fiscal year by an amount equal to the dollar amount of any decrease in direct state appropriations to taxing districts taken as a whole; or (b) the state tax revenue limit has been increased under RCW 43.135.050(3) or 43.135.060(3) and the decrease of the proportion is commensurate with the increase in the state tax revenue limit.

(3) If by order of any court, or legislative enactment, the costs of a federal or taxing district program are transferred to or from the state, the otherwise applicable state tax revenue limit shall be increased or decreased, as the case may be, by the dollar amount of the costs of the program.

(4) The legislature, in consultation with the office of financial management or its successor agency, shall determine the costs of any new programs or increased levels of service under existing programs imposed on any taxing district or transferred to or from the state.

(5) Subsection (1) of this section does not apply to the costs incurred for voting devices or machines under section 1 of this act.

On page 1, line 1 of the title, after "equipment;" strike the remainder of the title and insert "amending RCW 43.135.060; and adding a new section to chapter 29.04 RCW." and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Todd moved that the House do concur in the Senate amendments to House Bill No. 2775.

Representatives Wang, McLean and Todd spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 2775 as amended by the Senate.

POINT OF INQUIRY

Mr. Todd yielded to question by Mr. Wang.

Mr. Wang: Representative Todd, as Chair of the State Government Committee, I have two questions for you. Initiative 62 provides that the Legislature may not make local governments responsible "for new programs or increased levels of existing programs" unless the local governments are reimbursed for their costs. As amended by the Senate, House Bill No. 2775 amends this section of Initiative 62 to make it clear that the section does not apply to the bill's new requirements for voting equipment. My questions are: First, is the Senate amendment necessary to avoid a requirement for reimbursement by the state? Second, by specifically including voting machines and nothing else, should the amendment be construed to affect other state laws which may impact local governments?

Mr. Todd: Representative Wang, because of the ambiguities in the language of Initiative 62 and the resulting case law, the answer to your first question is that it is impossible to give a definitive answer whether or not the amendatory section is necessary to avoid a reimbursement requirement from the state. Although it was our intent that House Bill No. 2775, as it originally passed the House, would not require reimbursement and, although local government officials have also agreed that Initiative 62 would not apply to this bill, the Senate amendment makes the bill absolutely clear that reimbursement would not be required.

The answer to your second question is that it is intended that the amendment will have no effect on any other state laws giving local governments new responsibilities. The intent here is limited to clarifying that Initiative 62 does not apply to this bill. It is not intended to create any implication that the Initiative will apply to other state laws. The specific exclusion for voting machines should not imply that reimbursement would be required for any other law which does not contain a similar specific exemption from Initiative 62.

Representatives Padden, Tate, Brough and Nealey spoke against passage of the bill, and Representatives R. Fisher and Todd spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2775 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 71; nays, 24; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Bennett, Bowman, Braddock, Brekke, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Sommers D, Sommers H, Spanel, Todd, Valle, Vekich, Wang, Wilson K, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 71.

Voting nay: Representatives Ballard, Beck, Betrozoff, Brooks, Brough, Doty, Ferguson, Forner, Fuhrman, Grant, Jesernig, Moyer, Nealey, Padden, Prince, Rasmussen, Silver, Smith, Tate, Van Luven, Walker, Wilson S, Wolfe, Youngsman - 24.

Excused: Representatives Dorn, Sprengle - 2.

House Bill No. 2775 as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 6255 and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House adhere to its position regarding the House amendments to Substitute Senate Bill No. 6255 and again ask the Senate to concur therein. The motion was carried.

MESSAGE FROM THE SENATE

March 5, 1990

Mr. Speaker:

The Senate has concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 6764 on page 1, line 26, and refuses to concur in the House amendments on page 1, lines 13 and 14, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Todd moved that the House recede from its amendments on page 1, lines 13 and 14, to Substitute Senate Bill No. 6764.

Mr. Todd spoke in favor of the motion, and Ms. Bowman spoke against it.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the motion by Representative Todd to recede from the House amendments on page 1, lines 13 and 14, to Substitute Senate Bill No. 6764.

A division was called. The Speaker (Mr. O'Brien presiding) called upon the House to divide. The result of the division was: Yeas - 63; Nays - 32. The motion was carried.

FINAL PASSAGE OF SENATE BILL WITH CERTAIN HOUSE AMENDMENT

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6764 with certain House amendment.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6764 with certain House amendment, and the bill passed the House by the following vote: Yeas, 95; excused, 2.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Dorn, Sprengle - 2.

Substitute Senate Bill No. 6764 with certain House amendment, having received the constitutional majority, was declared passed.

Representative Dorn appeared at the bar of the House.

The Speaker assumed the Chair.

MESSAGE FROM THE SENATE

March 5, 1990

Mr. Speaker:

The Senate concurred in the House Committee on Human Services amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6610, with the exception of Sections 20 and 21. The President ruled Sections 20 and 21 of the striking amendment beyond the scope and object of the bill. The Senate refuses to concur in said amendments and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Sayan moved that the House insist on its position regarding the House amendments to Engrossed Second Substitute Senate Bill No. 6610 and ask the Senate for a conference thereon.

MOTION

Mr. Padden moved that the House recede from Sections 20 and 21 of the striking amendment to Engrossed Second Substitute Senate Bill No. 6610.

SPEAKER'S RULING

The Speaker: Representative Padden, the Speaker is going to rule that your motion is out of order. Reed's Rules and our Joint Rules insist that agreement or concurrence in an amendment must be to the whole amendment. We cannot pick out some part of that amendment. The ultimate effect of being able to pick and choose within a striking amendment would have us down to the point of ruling on amendments to one word, a comma, or whatever, which is the purpose of a conference. I'll not allow your motion because we have to deal with the amendment as a whole.

The Speaker stated the question before the House to be the motion by Representative Sayan to insist on the House position regarding the House amendments to Engrossed Second Substitute Senate Bill No. 6610 and to ask the Senate for a conference thereon.

Representatives Sayan and Padden spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Sayan, O'Brien and Bowman as conferees on Engrossed Second Substitute Senate Bill No. 6610.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2801 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 253, Laws of 1971 ex. sess. as amended by section 81, chapter 158, Laws of 1979 and RCW 19.16.100 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) 'Person' includes individual, firm, partnership, trust, joint venture, association, or corporation.

(2) 'Collection agency' means and includes:

(a) Any person directly or indirectly engaged in soliciting claims for collection, or collecting or attempting to collect claims owed or due or asserted to be owed or due another person;

(b) Any person who directly or indirectly furnishes or attempts to furnish, sells, or offers to sell forms represented to be a collection system or scheme intended or calculated to be used to collect claims even though the forms direct the debtor to make payment to the creditor and even though the forms may be or are actually used by the creditor himself in his own name;

(c) Any person who in attempting to collect or in collecting his own claim uses a fictitious name or any name other than his own which would indicate to the debtor that a third person is collecting or attempting to collect such claim.

(3) 'Collection agency' does not mean and does not include:

(a) Any individual engaged in soliciting claims for collection, or collecting or attempting to collect claims on behalf of a licensee under this chapter, if said individual is an employee of the licensee;

(b) Any individual collecting or attempting to collect claims for not more than one employer, if all the collection efforts are carried on in the name of the employer and if the individual is an employee of the employer; ((or))

(c) Any person whose collection activities are carried on in his or its true name and are confined and are directly related to the operation of a business other than that of a collection agency, such as but not limited to trust companies, savings and loan associations, building and loan associations, abstract companies doing an escrow business, real estate brokers, public officers acting in their official capacities, persons acting under court order, lawyers, insurance companies, credit unions, loan or finance companies, mortgage banks, and banks; or

(d) Any person who on behalf of another person prepares or mails monthly or periodic statements of accounts due if all payments are made to that other person and no other collection efforts are made by the person preparing the statements of account.

(4) 'Claim' means any obligation for the payment of money or thing of value arising out of any agreement or contract, express or implied.

(5) 'Statement of account' means a report setting forth only amounts billed, invoices, credits allowed, or aged balance due.

(6) 'Director' means the director of licensing.

~~((6))~~ (7) 'Client' or 'customer' means any person authorizing or employing a collection agency to collect a claim.

~~((7))~~ (8) 'Licensee' means any person licensed under this chapter.

~~((8))~~ (9) 'Board' means the Washington state collection agency board.

~~((9))~~ (10) 'Debtor' means any person owing or alleged to owe a claim."

In line 1 of the title, after "agencies;" strike the remainder of the title and insert "and amending RCW 19.16.100."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Vekich moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2801. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2801 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2801 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raifer, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luvan, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Sprengle - 1.

Engrossed Substitute House Bill No. 2801 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2602 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. (1) The legislature finds that each year less than five percent of pregnant teens relinquish their babies for adoption in Washington state. Nationally, fewer than eight percent of pregnant teens relinquish their babies for adoption.

(2) The legislature further finds that barriers such as lack of information about adoption, inability to voluntarily enter into adoption agreements, and current state public assistance policies act as disincentives to adoption.

(3) It is the purpose of this act to support adoption as an option for women with unintended pregnancies by removing barriers that act as disincentives to adoption.

Sec. 2. Section 816, chapter 9, Laws of 1989 1st ex. sess. and RCW 74.04.005 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) 'Public assistance' or 'assistance'—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) 'Department'—The department of social and health services.

(3) 'County or local office'—The administrative office for one or more counties or designated service areas.

(4) 'Director' or 'secretary' means the secretary of social and health services.

(5) 'Federal-aid assistance'—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6) (a) 'General assistance'—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Are either:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) Incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of sixty days as determined by the department. Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. This subsection (6)(a)(ii)(B) shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6) (a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(e) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who remain otherwise eligible and who are not eligible to receive benefits under the federal aid to families with dependent children program shall not have their benefits terminated until six weeks following the birth of the recipient's child.

(7) 'Applicant'—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) 'Recipient'—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) 'Standards of assistance'—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) 'Resource'—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may

provide grant assistance to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property, but the recipient must sign an agreement to dispose of the property and repay assistance payments made to the date of disposition of the property which would not have been made had the disposal occurred at the beginning of the period for which the payments of such assistance were made. In no event shall such amount due the state exceed the net proceeds otherwise available to the recipient from the disposition, unless after nine months from the date of the agreement the property has not been sold, or if the recipient's eligibility for financial assistance ceases for any other reason. In these two instances the entire amount of assistance paid during this period will be treated as an overpayment and a debt due the state, and may be recovered pursuant to RCW 43.20B.630.

(11) 'Income'—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) 'Need'—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 3. Section 2, chapter 155, Laws of 1984 and RCW 26.33.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Alleged father' means a person whose parent-child relationship has not been terminated, who is not a presumed father under chapter 26.26 RCW, and who alleges himself or whom a party alleges to be the father of the child. It includes a person whose marriage to the mother was terminated more than three hundred days before the birth of the child or who was separated from the mother more than three hundred days before the birth of the child.

(2) 'Child' means a person under eighteen years of age.

(3) 'Adoptee' means a person who is to be adopted or who has been adopted.

(4) 'Adoptive parent' means the person or persons who seek to adopt or have adopted an adoptee.

(5) 'Court' means the superior court.

(6) 'Department' means the department of social and health services.

(7) 'Agency' means any public or private association, corporation, or individual licensed or certified by the department as a child placing agency under chapter 74.15 RCW or as an adoption agency.

(8) 'Parent' means the natural or adoptive mother or father of a child, including a presumed father under chapter 26.26 RCW. It does not include any person whose parent-child relationship has been terminated by a court of competent jurisdiction.

(9) 'Legal guardian' means the department, an agency, or a person, other than a parent or stepparent, appointed by the court to promote the child's general welfare, with the authority and duty to make decisions affecting the child's development.

(10) 'Guardian ad litem' means a person, not related to a party to the action, appointed by the court to represent the best interests of a party who is under a legal disability.

(11) 'Relinquish or relinquishment' means the voluntary surrender of custody of a child to the department, an agency, or prospective adoptive parents.

(12) 'Birth parent' means the natural mother or natural or alleged father of a child, including a presumed father under chapter 26.26 RCW, whether or not any such person's parent-child relationship has been terminated by a court of competent jurisdiction.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

(1) The department of social and health services shall establish, within funds appropriated for the purpose, a reconsideration program to provide medical and counseling services through the adoption support program for children of families who apply for services after the adoption is final. Families requesting services through the program shall provide any information requested by the department for the purpose of processing the family's application for services.

(2) A child meeting the eligibility criteria for registration with the program is one who:

(a) Was residing in foster care funded by the department immediately prior to the adoptive placement;

(b) Had a physical or mental handicap or emotional disturbance that existed and was documented prior to the adoption; and

(c) Resides in the state of Washington with an adoptive parent who lacks the necessary financial means to care for the child's special need.

(3) If a family is accepted for registration and meets the criteria in subsection (2) of this section, the department may enter into an agreement for services. Prior to entering into an agreement for services through the program, the medical needs of the child must be reviewed and approved by the department's office of personal health services.

(4) Any services provided pursuant to an agreement between a family and the department shall be met from the department's medical program. Such services shall be limited to:

(a) Services provided after finalization of an agreement between a family and the department pursuant to this section;

(b) Services not covered by the family's insurance or other available assistance; and

(c) Services related to the eligible child's identified physical or mental handicap or emotional disturbance that existed prior to the adoption.

(5) Any payment by the department for services provided pursuant to an agreement shall be made directly to the physician or provider of services according to the department's established procedures.

(6) The total costs payable by the department for services provided pursuant to an agreement shall not exceed twenty thousand dollars per child.

NEW SECTION. Sec. 5. The department of social and health services shall report to the 1991 legislature regarding the applications for the program established under section 4 of this act. The report shall contain information regarding the requests for financial assistance, both those that qualify and those that do not, and shall include the estimated cost for providing the services requested.

Sec. 6. Section 4, chapter 63, Laws of 1971 ex. sess. as last amended by section 135, chapter 7, Laws of 1985 and RCW 74.13.109 are each amended to read as follows:

The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145.

Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

Such agreements shall meet the following criteria:

(1) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

(2) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

(3) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need support, provided that if the secretary shall find that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 the secretary may do so.

subject to all the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145, including annual review of the amount of such support.

(4) Any prospective parent who is to be a party to such agreement shall be a person who ~~(while having)~~ has the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child ~~(lacks the financial means fully to care for such hard to place child)~~.

Sec. 7. Section 11, chapter 63, Laws of 1971 ex. sess. as last amended by section 142, chapter 7, Laws of 1985 and RCW 74.13.130 are each amended to read as follows:

~~(If the secretary determines that a prospective adoptive parent or parents cannot, because of limited financial means, pay the cost or the full cost of an adoption proceeding for the adoption of a hard to place child who would be eligible for support under RCW 26.33.320 and 74.13.100 through 74.13.145, the secretary may authorize the payment from the appropriations available from the general fund of all or part a reasonable attorney's fee to be determined by the superior court hearing the adoption and court costs. The clerk of the court shall furnish the secretary with a certified copy of the decree of adoption containing the finding as to such attorney's fee.~~

In evaluating any such prospective parent's ability to pay the secretary may use the same criteria for evaluating ability to pay which are to be used by him in waiving, reducing, or deferring fees pursuant to RCW 74.13.103 plus the burdens likely to be assumed by such parent even after adoption support is provided pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145.) The secretary may authorize the payment, from the appropriations available from the general fund, of all or part of the nonrecurring adoption expenses incurred by a prospective parent. 'Nonrecurring adoption expenses' means those expenses incurred by a prospective parent in connection with the adoption of a difficult to place child including, but not limited to, attorneys' fees, court costs, and agency fees. Payment shall be made in accordance with rules adopted by the department.

This section shall have retroactive application to January 1, 1987. For purposes of retroactive application, the secretary may provide reimbursement to any parent who adopted a difficult to place child between January 1, 1987, and one year following the effective date of this act, regardless of whether the parent had previously entered into an adoption support agreement with the department.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 1 through 3 and 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "adoption;" strike the remainder of the title and insert "amending RCW 74.04.005, 26.33.020, 74.13.109, and 74.13.130; adding a new section to chapter 74.13 RCW; creating new sections; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Sayan moved that the House refuse to concur in the Senate amendments to Engrossed House Bill No. 2602 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Sayan, Hine and Moyer as conferees on Engrossed House Bill No. 2602.

MESSAGE FROM THE SENATE

March 5, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 6303 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators von Reichbauer, Bender and Benitz, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House grant the request of the Senate for a conference on Senate Bill No. 6303. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Bennett, R. Meyers and S. Wilson as conferees on Senate Bill No. 6303.

MESSAGE FROM THE SENATE

March 5, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 6649 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Thorsness, Conner and Johnson, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House grant the request of the Senate for a conference on Engrossed Substitute Senate Bill No. 6649. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Prentice, Cooper and Walker as conferees on Engrossed Substitute Senate Bill No. 6649.

The Speaker called on Representative Belcher to preside.

MESSAGE FROM THE SENATE

March 5, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 6663 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Patterson, Rasmussen and Thorsness, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House grant the request of the Senate for a conference on Substitute Senate Bill No. 6663. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Ms. Belcher presiding) appointed Representatives R. Fisher, R. Meyers and Schmidt as conferees on Substitute Senate Bill No. 6663.

MESSAGE FROM THE SENATE

March 5, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6767 and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Sayan moved that the House refuse to recede from its amendments to Engrossed Second Substitute Senate Bill No. 6767 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Ms. Belcher presiding) appointed Representatives Brække, Leonard and Moyer as conferees on Engrossed Second Substitute Senate Bill No. 6767.

MESSAGE FROM THE SENATE

March 5, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 6639 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators McDonald, McMullen and Hayner, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jesernig moved that the House grant the request of the Senate for a conference on Substitute Senate Bill No. 6639. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Ms. Belcher presiding) appointed Representatives Wang, Spanel and Youngsman as conferees on Substitute Senate Bill No. 6639.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212 and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Wang moved that the House refuse to recede from its amendments to Second Substitute Senate Joint Resolution No. 8212 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Ms. Belcher presiding) appointed Representatives Todd, Leonard and Winsley as conferees on Second Substitute Senate Joint Resolution No. 8212.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2378 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1, Section 9, chapter 176, Laws of 1969 ex. sess. as last amended by section 3, chapter 65, Laws of 1988 and RCW 28A.21.090 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter.

(2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chairman or a majority of the board.

(3) Approve the selection of educational service district personnel and clerical staff as provided in RCW 28A.21.100, as now or hereafter amended.

(4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding.

(5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district.

(6) Acquire by borrowing funds or by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes~~(-PROVIDED-That))~~. No real property shall be acquired or alienated without the prior approval of the state board of education and the acquisition or alienation of all such property shall be subject to such provisions as the board may establish. When borrowing funds for the purpose of acquiring property, the educational service district board may pledge as collateral the property to be acquired, but state funds directly allocated to the educational service district, or

equipment and materials purchased from direct state allocations, shall not be pledged as collateral. Borrowing shall be evidenced by a note or other instrument between the district and the lender. The authority to borrow under this subsection shall be limited to educational service districts serving a minimum of two hundred thousand students in grades kindergarten through twelve.

(7) Adopt such bylaws and rules and regulations for its own operation as it deems necessary or appropriate.

(8) Enter into contracts, including contracts with common and educational service districts and the school for the deaf and the school for the blind for the joint financing of cooperative service programs conducted pursuant to RCW 28A.21.086(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "and amending RCW 28A.21.090."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. H. Sommers moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 2378 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Ms. Belcher presiding) appointed Representatives H. Sommers, Peery and Schoon as conferees on Substitute House Bill No. 2378.

The Speaker (Ms. Belcher presiding) declared the House to be at ease until 3:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 3:30 p.m.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

SUBSTITUTE HOUSE BILL NO. 2726, by Committee on Capital Facilities & Financing (originally sponsored by Representatives Schoon, Cantwell, Brumsickle, Moyer, Raiter, H. Myers, Hargrove, Smith, Nealey, Peery and Cooper)

Raising the debt funding limitation for certain port districts.

The House resumed consideration of the Senate amendments to Substitute House Bill No. 2726. (For previous action, see today's Journal, Morning Session.)

The Speaker stated the question before the House to be the Point of Order by Representative Haugen regarding the scope and object of the Senate amendments.

SPEAKER'S RULING

The Speaker: The Speaker has examined both the bill and the amendment and finds that the underlying bill deals with the debt limits for small ports. The Senate amendment deals with the question of how much those ports can spend on promotional hosting. Clearly, the amendment broadens the scope of the original bill and therefore, Representative Haugen, your point is well taken. The Senate amendment to Substitute House Bill No. 2726 is outside the scope and object of the original bill.

MOTION

Ms. H. Sommers moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 2726 and ask the Senate to recede therefrom. The motion was carried.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1565,
SECOND SUBSTITUTE HOUSE BILL NO. 1653,
HOUSE BILL NO. 1957,

HOUSE BILL NO. 2289,
 HOUSE BILL NO. 2306,
 HOUSE BILL NO. 2343,
 SUBSTITUTE HOUSE BILL NO. 2344,
 HOUSE BILL NO. 2345,
 SUBSTITUTE HOUSE BILL NO. 2375,
 HOUSE BILL NO. 2386,
 HOUSE BILL NO. 2445,
 SUBSTITUTE HOUSE BILL NO. 2476,
 HOUSE BILL NO. 2492,
 HOUSE BILL NO. 2705,
 HOUSE BILL NO. 2746,
 SUBSTITUTE HOUSE BILL NO. 2752,
 HOUSE BILL NO. 2761,
 HOUSE BILL NO. 2797,
 HOUSE BILL NO. 2855,
 SUBSTITUTE HOUSE BILL NO. 2940,
 HOUSE BILL NO. 2959,
 SECOND SUBSTITUTE HOUSE BILL NO. 2986,
 HOUSE BILL NO. 2989.

MESSAGE FROM THE SENATE

March 6, 1990

Mr. Speaker:

The Senate concurred in the House amendment(s) and passed the following bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 6182,
 SECOND SUBSTITUTE SENATE BILL NO. 6310,
 SUBSTITUTE SENATE BILL NO. 6560,
 SENATE BILL NO. 6652,
 SUBSTITUTE SENATE BILL NO. 6668,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6700,
 SENATE BILL NO. 6741,
 SENATE BILL NO. 6822,
 SUBSTITUTE SENATE BILL NO. 6827,
 ENGROSSED SENATE BILL NO. 6839,
 SUBSTITUTE SENATE BILL NO. 6859.

W. D. Naismith, Assistant Secretary.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2475 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1, Section 10, chapter 34, Laws of 1982 as amended by section 25, chapter 1, Laws of 1988 ex. sess. and RCW 67.40.100 are each amended to read as follows:

(1) Except as provided in chapters 67.28 and 82.14 RCW and subsection (2) of this section, after January 1, 1983, no city, town, or county in which the tax under RCW 67.40.090 is imposed may impose a license fee or tax on the act or privilege of engaging in business to furnish lodging by a hotel, rooming house, tourist court, motel, trailer camp, or similar facilities in excess of the rate imposed upon other persons engaged in the business of making sales at retail as that term is defined in chapter 82.04 RCW.

(2) A city incorporated before January 1, 1982, with a population over sixty thousand located in a county with a population over one million, other than the city of Seattle, may impose a special excise tax under the following conditions:

(a) The proceeds of the tax must be used ((society)) for the acquisition, design, ((and)) construction, and marketing of convention and trade facilities and may be used for and pledged to the payment of bonds, leases, or other obligations issued or incurred for such purposes. The proceeds of the tax may be used for maintenance and operation only as part of a budget which includes the use of the tax for debt service and marketing.

(b) The legislative body of the city, before imposing the tax, must authorize a complete study and investigation of the desirability and economic feasibility of the proposed convention and trade facilities.

(c) The rate of the tax shall not exceed three percent.

(d) The tax shall be imposed on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, except that no such tax may be levied on any premises having fewer than sixty lodging units.

NEW SECTION. Sec. 2. This 1990 amendment applies to all proceeds of the tax authorized under RCW 67.40.100(2), regardless of when levied or collected."

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 67.40.100; and creating a new section."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Wang moved that the House do concur in the Senate amendments to House Bill No. 2475. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 2475 as amended by the Senate.

Mr. Wang spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2475 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; nays, 1; absent, 2; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van-Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representative Rust - 1.

Absent: Representatives Brumsickle, McLean - 2.

Excused: Representative Sprenkle - 1.

House Bill No. 2475 as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

Please indicate that I would have voted "yea" on final passage of House Bill No. 2475 as amended by the Senate.

BILL BRUMSICKLE, 20th District.

I would have voted "yes" on final passage of House Bill No. 2475 as amended by the Senate.

ALEX McLEAN, 12th District.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2494 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature finds that the increasing reliance on water borne transportation as a source of supply for oil and hazardous substances poses special concern for the state of Washington. Vessels transporting oil into Washington travel on some of the most unique and special marine environments in the United States. These marine environments are a source of natural beauty, recreation, and economic livelihood for many residents of this state. As a result, the state has an obligation to assure the citizens of the state that the waters of the state used for water borne transportation will be protected. The legislature declares that this act is the first step in developing a comprehensive approach to protecting this important and

unique resource by developing a set of procedures to respond to spills of oil and hazardous substances into the state's waters.

The legislature also finds that prevention is the best method to protect the unique and special marine environments in this state. The technology for containing and cleaning up a spill of oil or hazardous substances is in the early stages of development. Preventing spills is more protective of the environment and more cost-effective when all the costs associated with responding to a spill are considered. The legislature declares that it will continue to develop this first step in a comprehensive approach to protecting our unique and special marine environment by adopting measures in future sessions of the legislature to reduce the likelihood that a spill of oil or hazardous substances will occur.

Sec. 2. Section 10, chapter 133, Laws of 1969 ex. sess. as last amended by section 6, chapter 388, Laws of 1989 and RCW 90.48.315 are each amended to read as follows:

For purposes of RCW 90.48.315 through ~~(90-48-365)~~ 90.48.410, sections 3 through 10, 12, 13, 15, 16, and 22 of this 1990 act, 78.52.020, 78.52.125, 82.36.330, ~~((90-48-315, 90-48-370 through 90-48-410))~~ 90.48.903, 90.48.906, and 90.48.907 ~~(and 90-48-366 through 90-48-369)~~, the following definitions shall apply unless the context indicates otherwise:

(1) 'Board' shall mean the pollution control hearings board.
 (2) 'Cargo vessel' means a ship in commerce, other than a tank vessel, of three hundred gross tons or more.

(3) 'Committee' shall mean the reassessment screening committee established under RCW 90.48.368.

(4) 'Covered vessel' means a tank vessel, cargo vessel, or passenger vessel.

~~((3))~~ (5) 'Department' shall mean the department of ecology.

~~((4))~~ (6) 'Director' shall mean the director of the department of ecology.

~~((5))~~ (7) 'Discharge' shall mean any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

~~((6))~~ (8)(a) 'Facility' means any structure, group of structures, equipment, or device, other than a vessel, located on or near the navigable waters of the state that receives oil in bulk from a tank vessel, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk, and is capable of storing ten thousand or more gallons of oil.

(b) A facility does not include any railroad car, motor vehicle, or other rolling stock used to transport oil over the highways or rail lines of this state.

(9) 'Fund' shall mean the state coastal protection fund as provided in RCW 90.48.390 and 90.48.400.

~~((7))~~ (10) 'Having control over oil' shall include but not be limited to any person using, storing, or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil.

~~((8))~~ (11) 'Maximum probable spill' means the maximum probable spill for a vessel operating in state waters considering the history of spills of vessels of the same class operating on the west coast of the United States, Alaska, and British Columbia.

(12) 'Navigable waters of the state' means those waters that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(13) 'Necessary expenses' means the expenses incurred by the department and assisting state agencies for (a) investigating the source of the discharge; (b) investigating the extent of the environmental damage caused by the discharge; ~~((and))~~ (c) conducting actions necessary to clean up the discharge; (d) conducting predamage and damage assessment studies; and (e) enforcing the provisions of this chapter and collecting for damages caused by a discharge.

~~((9))~~ (14) 'Oil' or 'oils' shall mean oil, including gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse, liquid natural gas, propane, butane, oils distilled from coal, and other liquid hydrocarbons regardless of specific gravity, or any other petroleum related product.

(15) 'Passenger vessel' means a ship of three hundred or more gross tons carrying passengers for compensation.

~~((10))~~ (16) 'Person' shall mean any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever and any owner, operator, master, officer, or employee of a ship.

~~((11))~~ (17) 'Ship' shall mean any boat, ship, vessel, barge, or other floating craft of any kind.

~~((12))~~ (18) 'Spill' means a discharge of oil or hazardous substances into the waters of the state.

(19) 'Tank vessel' means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(20) 'Technical feasibility' or 'technically feasible' shall mean that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the resource prior to the injury.

((1-3)) (21) 'Waters of the state' shall include lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(22) 'Worst case spill' means a spill of the entire cargo of a tank vessel complicated by adverse weather conditions.

NEW SECTION, Sec. 3. (1) Each facility and covered vessel shall have a contingency plan for the containment and cleanup of oil spills from the facility or covered vessel into the waters of the state and for the protection of fisheries and wildlife, natural resources, and public and private property from such spills. The department shall by rule adopt standards for the preparation of contingency plans. The rules for facilities and, except as otherwise provided in this subsection, for covered vessels shall be adopted not later than July 1, 1991. The department shall exclude from the rules to be adopted by July 1, 1991, standards for tank vessels of less than twenty thousand deadweight tons, cargo vessels, and passenger vessels operating on the portion of the Columbia river for which the department determines that Washington and Oregon should cooperate in the adoption of standards for contingency plans. The department, after consultation with the appropriate state agencies in Oregon, shall adopt the rules for standards for contingency plans for this portion of the Columbia river at the earliest possible time, but not later than July 1, 1992. The department shall require contingency plans, at a minimum, to meet the following standards:

(a) Include full details of the method of response to spills of various sizes from any vessel, ship, or facility which is covered by the plan;

(b) Be designed to be capable in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, as defined by the department:

(i) Removing oil and minimizing any damage to the environment resulting from a maximum probable spill; and

(ii) Removing oil and minimizing any damage to the environment resulting from a worst case spill;

(c) Provide a clear, precise, and detailed description of how the plan relates to and is integrated into relevant contingency plans which have been prepared by cooperatives, ports, regional entities, the state, and the federal government;

(d) Provide procedures for early detection of oil spills and timely notification of such spills to appropriate federal, state, and local authorities under applicable state and federal law;

(e) State the number, training preparedness, and fitness of all dedicated, prepositioned personnel assigned to direct and implement the plan;

(f) Incorporate periodic training and drill programs to evaluate whether personnel and equipment provided under the plan are in a state of operational readiness at all times;

(g) State the means of protecting and mitigating effects on the environment, including fish, marine mammals, and other wildlife, and ensure that implementation of the plan does not pose unacceptable risks to the public or the environment;

(h) Provide a detailed description of equipment and procedures to be used by the crew of a vessel to minimize vessel damage, stop or reduce any spilling from the vessel, and, only when appropriate and the vessel/safety is assured, contain and clean up the spilled oil;

(i) Provide arrangements for the prepositioning of oil spill containment and cleanup equipment and trained personnel at strategic locations from which they can be deployed to the spill site to promptly and properly remove the spilled oil;

(j) Provide arrangements for enlisting the use of qualified and trained cleanup personnel to implement the plan;

(k) Provide for disposal of recovered spilled oil in accordance with local, state, and federal laws;

(l) State the measures that have been taken to reduce the likelihood that a spill will occur, including but not limited to, design and operation of a vessel or facility, training of personnel, number of personnel, and backup systems designed to prevent a spill;

(m) State the amount and type of equipment available to respond to a spill, where the equipment is located, and the extent to which other contingency plans rely on the same equipment; and

(n) If the department has adopted rules permitting the use of dispersants, the circumstances, if any, and the manner for the application of the dispersants in conformance with the department's rules.

(2)(a) Contingency plans for facilities capable of storing one million gallons or more of oil and for tank vessels of twenty thousand deadweight tons or more shall be submitted to the department within six months after the department adopts rules establishing standards for contingency plans under subsection (1) of this section.

(b) Except as otherwise provided in (c) of this subsection, contingency plans for all other facilities and covered vessels shall be submitted to the department within eighteen months after the department has adopted rules under subsection (1) of this section. The department may adopt a schedule for submission of plans within the eighteen-month period.

(c) Contingency plans for covered vessels which are not required to submit plans within the six month period prescribed in (a) of this subsection and which operate on the portion of the Columbia river for which the department must adopt rules not later than July 1, 1992, shall be submitted to the department not later than January 1, 1993.

(3)(a) The owner or operator of a facility shall submit the contingency plan for the facility.

(b) The owner or operator of a tank vessel or of the facilities at which the vessel will be unloading its cargo shall submit the contingency plan for the tank vessel. Subject to conditions imposed by the department, the owner or operator of a facility may submit a single contingency plan for tank vessels of a particular class that will be unloading cargo at the facility.

(c) The contingency plan for a cargo vessel or passenger vessel may be submitted by the owner or operator of the cargo vessel or passenger vessel or by the agent for the vessel resident in this state. Subject to conditions imposed by the department, the owner, operator, or agent may submit a single contingency plan for cargo vessels or passenger vessels of a particular class.

(d) A person who has contracted with a facility or covered vessel to provide containment and cleanup services and who meets the standards established pursuant to section 4 of this act, may submit the plan for any facility or covered vessel for which the person is contractually obligated to provide services. Subject to conditions imposed by the department, the person may submit a single plan for more than one facility or covered vessel.

(4) A contingency plan prepared for an agency of the federal government that satisfies the requirements of this section and rules adopted by the department may be accepted by the department as a contingency plan under this section. The department shall assure that to the greatest extent possible, requirements for contingency plans under this section are consistent with the requirements for contingency plans under federal law.

(5) In reviewing the contingency plans required by this section, the department shall consider at least the following factors:

(a) The adequacy of containment and cleanup equipment, personnel, communications equipment, notification procedures and call down lists, response time, and logistical arrangements for coordination and implementation of response efforts to remove oil and hazardous substance spills promptly and properly and to protect the environment;

(b) The nature and amount of vessel traffic within the area covered by the plan;

(c) The volume and type of oil or hazardous substances being transported within the area covered by the plan;

(d) The existence of navigational hazards within the area covered by the plan;

(e) The history and circumstances surrounding prior spills of oil and hazardous substances within the area covered by the plan;

(f) The sensitivity of fisheries and wildlife and other natural resources within the area covered by the plan;

(g) Relevant information on previous spills contained in on-scene coordinator reports prepared by the department; and

(h) The extent to which reasonable, cost-effective measures to prevent a likelihood that a spill will occur have been incorporated into the plan.

(6) The department shall approve a contingency plan only if it determines that the plan meets the requirements of this section and that, if implemented, the plan is capable, in terms of personnel, materials, and equipment, of removing oil or hazardous substances promptly and properly and minimizing any damage to the environment.

(7) Upon approval of a contingency plan, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the facilities or vessels covered by the plan, and other information the department determines should be included.

(8) An owner or operator of a vessel, ship, or facility shall notify the department in writing immediately of any significant change of which it is aware affecting its contingency plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a contingency plan as a result of these changes.

(9) The department by rule shall require contingency plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every five years.

(10) Approval of a contingency plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

NEW SECTION, Sec. 4. The department shall by rule establish standards for persons who contract to provide cleanup and containment services under contingency plans approved under section 3 of this act.

NEW SECTION, Sec. 5. The department shall annually publish an index of available, up-to-date descriptions of contingency plans for oil spills submitted and approved pursuant to section 3 of this act and an inventory of equipment available for responding to such spills.

NEW SECTION, Sec. 6. The department shall by rule adopt procedures to determine the adequacy of contingency plans approved under section 3 of this act. The rules shall require

random practice drills without prior notice that will test the adequacy of the responding entities. The rules may provide for unannounced practice drills of individual contingency plans. The department shall review and publish a report on the drills, including an assessment of response time and available equipment and personnel compared to those listed in the contingency plans relying on the responding entities, and requirements, if any, for changes in the plans or their implementation. The department may require additional drills and changes in arrangements for implementing approved plans which are necessary to ensure their effective implementation.

NEW SECTION. Sec. 7. The provisions of contingency plans approved by the department under section 3 of this act shall be legally binding on those persons submitting them to the department and on their successors, assigns, agents, and employees. The superior court shall have jurisdiction to restrain a violation of, compel specific performance of, or otherwise to enforce such plans upon application by the department. The department may issue an order pursuant to chapter 34.05 RCW requiring compliance with a contingency plan. An order under this section is not subject to review by the pollution control hearings board as provided in RCW 43.21B.110.

NEW SECTION. Sec. 8. (1) Except as provided in subsection (2) of this section, it shall be unlawful for any person to knowingly and intentionally operate in this state or on the waters of this state a facility or covered vessel without an approved contingency plan as required by section 3 of this act. The first conviction under this section shall be a gross misdemeanor under chapter 9A.20 RCW. A second or subsequent conviction shall be a class C felony under chapter 9A.20 RCW.

(2) It shall not be unlawful for a person to operate a facility or covered vessel if:

(a) The facility or covered vessel is not required to have a contingency plan;
(b) A plan has been submitted to the department as required by section 3 of this act and rules adopted by the department and the department is reviewing the plan and has not denied approval; or

(c) The covered vessel has entered state waters after the United States coast guard has determined that the vessel is in distress.

(3) A facility may rely on a copy of the statement issued by the department pursuant to section 3(7) of this act as evidence that the vessel has an approved contingency plan.

NEW SECTION. Sec. 9. (1) Except as provided in subsection (4) of this section, it shall be unlawful for a covered vessel to enter the waters of the state without an approved contingency plan as provided in section 3 of this act. The department may deny entry onto the waters of the state to any covered vessel that does not have a contingency plan and is so required.

(2) Except as provided in subsection (4) of this section, it shall be unlawful:

(a) For a facility to operate without an approved contingency plan as required under section 3 of this act; or

(b) For a facility or any other person to accept cargo or passengers from a covered vessel that does not have an approved contingency plan required under section 3 of this act.

(3) The department may notify the department of licensing to suspend the business license of any facility or other person that is in violation of this section. The department may assess a civil penalty of up to one hundred thousand dollars against any person who is in violation of this section. Each day that a facility, person, or covered vessel is in violation of this section shall be considered a separate violation.

(4) It shall not be unlawful for a covered vessel to operate on the waters of the state or a facility or other person to operate or accept cargo or passengers from a covered vessel if:

(a) A contingency plan is not required for the facility or covered vessel;

(b) A contingency plan has been submitted to the department as required by section 3 of this act and rules adopted by the department and the department is reviewing the plan and has not denied approval; or

(c) The covered vessel has entered state waters after the United States coast guard has determined that the vessel is in distress.

(5) Any person may rely on a copy of the statement issued by the department pursuant to section 3(7) of this act as evidence that the vessel has an approved contingency plan.

NEW SECTION. Sec. 10. (1) Not later than July 1, 1991, the department shall prepare and thereafter annually update a state-wide master oil and hazardous substance spill contingency plan. In preparing the plan, the department shall consult with an advisory committee representing diverse interests concerned with oil and hazardous substance spills, including state agencies, local governments, port districts, private facilities, environmental organizations, oil companies, shipping companies, containment and cleanup contractors, tow companies, and hazardous substance manufacturers.

(2) The state master plan prepared under this section shall at a minimum:

(a) Take into consideration the elements of oil spill contingency plans approved or submitted for approval pursuant to section 3 of this act and oil and hazardous substance spill contingency plans prepared pursuant to other state or federal law or prepared by federal agencies and regional entities;

(b) State the respective responsibilities as established by relevant statutes and rules of each of the following in the assessment, containment, and cleanup of a catastrophic oil spill or of a significant spill of a hazardous substance into the environment of the state: (i) State agencies; (ii) local governments; (iii) appropriate federal agencies; (iv) facility operators; (v) property owners whose land or other property may be affected by the oil or hazardous substance spill; and (vi) other parties identified by the department as having an interest in or the resources to assist in the containment and cleanup of an oil or hazardous substance spill;

(c) State the respective responsibilities of the parties identified in (b) of this subsection in an emergency response;

(d) Identify actions necessary to reduce the likelihood of catastrophic oil spills and significant spills of hazardous substances; and

(e) Identify and obtain mapping of environmentally sensitive areas at particular risk to oil and hazardous substance spills.

(3) In preparing and updating the state master plan, the department shall:

(a) Consult with federal, municipal, and community officials, other state agencies, and with representatives of affected regional organizations;

(b) Submit the draft plan to the public for review and comment;

(c) Submit to the appropriate standing committees of the legislature for review, not later than November 1 of each year, the plan and any annual revision of the plan; and

(d) Require or schedule unannounced oil spill drills as required by section 6 of this act to test the sufficiency of oil spill contingency plans approved under section 3 of this act.

NEW SECTION. Sec. 11. The department of wildlife, in consultation with the departments of fisheries, ecology, and natural resources shall study and report to the appropriate standing committees of the house of representatives and the senate the current efforts by local, state, and federal governments, and recommendations for additional efforts, to collect environmental baseline data in sensitive areas for the determination of potential effects of spills, including data on the chronic effects of spills. The study shall also consider plans for long-term monitoring of environmental effects in those areas, to be implemented in the event of a major spill. The report shall be submitted to the legislature not later than December 1, 1990.

NEW SECTION. Sec. 12. (1) The Washington wildlife rescue coalition shall be established for the purpose of coordinating the rescue and rehabilitation of wildlife injured or endangered by oil spills or the release of other hazardous substances into the environment.

(2) The Washington wildlife rescue coalition shall be composed of:

(a) A representative of the department of wildlife designated by the director of wildlife. The department of wildlife shall be designated as lead agency in the operations of the coalition. The coalition shall be chaired by the representative from the department of wildlife;

(b) A representative of the department of ecology designated by the director;

(c) A representative of the department of community development emergency management program designated by the director of community development;

(d) A licensed veterinarian, with experience and training in wildlife rehabilitation, appointed by the veterinary board of governors;

(e) The director of the Washington conservation corps;

(f) A lay person, with training and experience in the rescue and rehabilitation of wildlife appointed by the department; and

(g) A person designated by the legislative authority of the county where oil spills or spills of other hazardous substances may occur. This member of the coalition shall serve on the coalition until wildlife rescue and rehabilitation is completed in that county. The completion of any rescue or rehabilitation project shall be determined by the director of wildlife.

(3) The duties of the Washington wildlife rescue coalition shall be to:

(a) Develop an emergency mobilization plan to rescue and rehabilitate waterfowl and other wildlife that are injured or endangered by an oil spill or the release of other hazardous substances into the environment;

(b) Develop and maintain a resource directory of persons, governmental agencies, and private organizations that may provide assistance in an emergency rescue effort;

(c) Provide advance training and instruction to volunteers in rescuing and rehabilitating waterfowl and wildlife injured or endangered by oil spills or the release of other hazardous substances into the environment. The training may be provided through grants to community colleges or to groups that conduct programs for training volunteers. The coalition representatives from the agencies described in subsection (2) of this section shall coordinate training efforts with the director of the Washington conservation corps and work to provide training opportunities for young citizens;

(d) Obtain and maintain equipment and supplies used in emergency rescue efforts;

(e) Report to the appropriate standing committees of the legislature on the progress of the coalition's efforts and detail future funding options necessary for the implementation of this section and section 13 of this act. The coalition shall report by January 30, 1991.

(4)(a) Expenses for the coalition may be provided by the coastal protection fund administered according to RCW 90.48.400.

(b) The commission is encouraged to seek grants, gifts, or donations from private sources in order to carry out the provisions of this section and section 13 of this act. Any private funds donated to the commission shall be deposited into the wildlife rescue account hereby created within the wildlife fund as authorized under Title 77 RCW.

NEW SECTION, Sec. 13. The department of wildlife may adopt rules including, but not limited to, the following:

(1) Procedures and methods of handling and caring for waterfowl or other wildlife affected by spills of oil and other hazardous materials;

(2) The certification of persons trained in the removal of pollutants from waterfowl or other wildlife;

(3) Development of procedures with respect to removal of oil and other hazardous substances from waterfowl or other wildlife;

(4) The establishment of training exercises, courses, and other training procedures as necessary;

(5) Such other rules as may be reasonably necessary to carry out the intent of section 12 of this act.

Sec. 14. Section 5, chapter 180, Laws of 1971 ex. sess. as amended by section 4, chapter 262, Laws of 1989 and by section 8, chapter 388, Laws of 1989 and RCW 90.48.400 are each reenacted and amended to read as follows:

(1) Moneys in the coastal protection fund shall be disbursed for the following purposes and no others:

(a) All costs of the department related to the enforcement of RCW 90.48.315 through 90.48.365, sections 3 through 10, 12, 13, 15, 16, and 25 of this 1990 act, 78.52.020, 78.52.125, 82.36.330, 90.48.142, ~~((90.48.315, 90.48.370 through 90.48.410))~~ 90.48.903, 90.48.906, and 90.48.907 ~~((and 90.48.366 through 90.48.368))~~ including but not limited to equipment rental and contracting costs.

(b) All costs involved in the abatement of pollution related to the discharge of oil and other hazardous substances.

(c) The director may allocate a portion of the fund to be devoted to research and development in the causes, effects, and removal of pollution caused by the discharge of oil or other hazardous substances.

(2) Moneys disbursed from the coastal protection fund for the abatement of pollution caused by the discharge of oil or other hazardous substances shall be reimbursed to the fund whenever:

(a) Moneys are available under any federal program; or

(b) Moneys are available from a recovery made by the department from the person liable for the discharge of oil or other hazardous substance.

(3) Moneys collected under RCW 90.48.142 shall only be used for the purposes enumerated in that section, subject to the approval of the steering committee.

(4) A steering committee consisting of representatives of the department of ecology, fisheries, and natural resources, and the parks and recreation commission shall authorize the expenditure of the moneys collected under RCW 90.48.366 through 90.48.368, after consulting impacted local agencies and local and tribal governments. The moneys collected under RCW 90.48.366 through 90.48.368 shall only be used for the following purposes: (a) Environmental restoration and enhancement projects intended to restore or enhance environmental, recreational, or aesthetic resources for the benefit of Washington's citizens; (b) investigations of the long-term effects of oil spills and the release of other hazardous substances on state resources; ~~((and))~~ (c) reimbursement of agencies for reasonable reconnaissance and damage assessment costs; and (d) wildlife rescue and rehabilitation. Agencies may not be reimbursed under this section for the salaries and benefits of permanent employees for routine operational support. Agencies may only be reimbursed under this section if money for reconnaissance and damage assessment activities is unavailable from other sources.

NEW SECTION, Sec. 15. The department shall develop policies and a plan concerning:

(1) When and under what circumstances, if any, chemical agents, such as coagulants, dispersants, and bioremediation, may be used in response to an oil spill; and

(2) The disposal of oil and hazardous substances recovered from an oil or hazardous substance spill.

NEW SECTION, Sec. 16. The department of ecology shall study standards for the manner in which, and the equipment with which, tow boats may tow barges carrying oil or hazardous substances as cargo or cargo residue. The standards shall address but are not limited to: Wire rope specifications, catenary, the design of related on-board equipment, number of cables, and back-up or barge retrieval systems in case of cable break.

The department shall seek voluntary compliance with such standards.

Finally, the department shall study state jurisdiction over and liability of mandatory compliance with such standards. The department shall report to the appropriate standing committees of the legislature by July 1, 1991, recommendations regarding mandatory compliance with such standards.

Sec. 17. Section 1, chapter 133, Laws of 1969 ex. sess. as last amended by section 146, chapter 109, Laws of 1987 and RCW 90.48.320 are each amended to read as follows:

It shall be unlawful, except under the circumstances hereafter described in this section, for oil to enter the waters of the state from any ship or any fixed or mobile facility or installation located offshore or onshore whether publicly or privately operated, regardless of the cause of the entry or fault of the person having control over the oil, or regardless of whether it be the result of intentional or negligent conduct, accident or other cause. This section shall not apply to discharges of oil in the following circumstances:

(1) The person discharging was expressly authorized to do so by the department prior to the entry of the oil into state waters; or

(2) The person discharging was authorized to do so by operation of law as provided in RCW 90.48.200(;

~~(3) Where a person having control over the oil can prove that a discharge was caused by:~~

~~(a) An act of war or sabotage; or~~

~~(b) Negligence on the part of the United States government, or the state of Washington).~~

Sec. 18. Section 6, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.336 are each amended to read as follows:

(1) Any person owning oil or having control over ~~(the same which)~~ oil that enters the waters of the state in violation of RCW 90.48.320 shall be strictly liable, without regard to fault, for the damages to persons or property, public or private, caused by such entry.

(2) In any action to recover ~~(such)~~ damages resulting from the discharge of oil in violation of RCW 90.48.320, ~~(said)~~ the owner or person having control over the oil shall be relieved from strict liability, without regard to fault, if ~~(he)~~ that person can prove that the ~~(oil to which the damages relate entered the waters of the state by causes set forth in RCW 90.48.320(3))~~ discharge was caused solely by:

~~(a) An act of war or sabotage;~~

~~(b) An act of God;~~

~~(c) Negligence on the part of the United States government; or~~

~~(d) Negligence on the part of the state of Washington.~~

~~(3) The liability established in this section shall in no way affect the rights which (a) the owner or other person having control over the oil may have against any person whose acts may in any way have caused or contributed to the discharge of oil or (b) the state of Washington may have against any person whose actions may have caused or contributed to the discharge of oil.~~

~~(4) The chapter -- Laws of 1990 changes to subsection (2) of this section requiring the defenses in that subsection to be the sole causes of the discharge, and the text of subsection (2)(b) of this section shall apply prospectively and not retroactively after the effective date of this section.~~

Sec. 19. Section 7, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.338 are each amended to read as follows:

In addition to any cause of action the state may have to recover necessary expenses for the cleanup of oil pursuant to RCW 90.48.325 and 90.48.350, and except as otherwise provided in section 25 of this act, any other person causing the entry of oil shall be directly liable to the state for the necessary expenses of oil cleanup arising from such entry and the state shall have a cause of action to recover from any or all of said persons. Except as otherwise provided in section 25 of this act, any person liable for cost of oil cleanup as provided in RCW 90.48.325 and 90.48.350 shall have a cause of action to recover for costs of cleanup from any other person causing the entry of oil into the waters of the state including any amount recoverable by the state as necessary expenses under RCW 90.48.350.

Sec. 20. Section 7, chapter 133, Laws of 1969 ex. sess. as last amended by section 9, chapter 388, Laws of 1989 and RCW 90.48.350 are each amended to read as follows:

Except as otherwise provided in section 25 of this act, any person who negligently discharges oil, or causes or permits the entry of the same, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to twenty thousand dollars for every such violation, and for each day the spill poses risks to the environment as determined by the director. Any person who intentionally or recklessly discharges or causes or permits the entry of oil into the waters of the state shall incur, in addition to any other penalty authorized by law, a penalty of up to one hundred thousand dollars for every such violation and for each day the spill poses risks to the environment as determined by the director. The amount of the penalty shall be determined by the director after taking into consideration the gravity of the violation, the previous record of the violator in complying, or failing to comply, with the provisions of chapter 90.48 RCW, the speed and thoroughness of the collection and removal of the oil, and such other considerations as the director deems appropriate. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty herein provided for shall be imposed pursuant to RCW 43.21B.300.

Sec. 21. Section 3, chapter 133, Laws of 1969 ex. sess. as last amended by section 147, chapter 109, Laws of 1987 and RCW 90.48.330 are each amended to read as follows:

The department ~~((is authorized, with the staff, equipment and material under its control, or by contract with others, to))~~ shall take ~~((such actions as are))~~ all actions necessary to respond to a substantial threat of a discharge of oil or hazardous substances into the waters of this state or to collect, investigate, perform surveillance over, remove, contain, treat, or disperse oil or hazardous substances discharged into waters of the state. 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 authority granted hereunder shall be limited to projects and activities which are designed to protect the public interest or public property. The department may use staff, equipment, and material under its control, or contract with others, to carry out its responsibilities under this section.

Sec. 22. Section 4, chapter 133, Laws of 1969 ex. sess. as amended by section 5, chapter 88, Laws of 1970 ex. sess. and RCW 90.48.335 are each amended to read as follows:

Any person who ~~((fails to immediately collect, remove, contain, treat or disperse oil when under an obligation to do so as provided in RCW 90.48.325;))~~ unlawfully discharges oil or hazardous substances into the waters of the state or who poses a substantial threat of discharging oil or hazardous substances into the waters of the state shall be responsible for the necessary expenses incurred by the state in carrying out a project or activity authorized under RCW 90.48.330.

Sec. 23. Section 8, chapter 133, Laws of 1969 ex. sess. as amended by section 151, chapter 109, Laws of 1987 and RCW 90.48.355 are each amended to read as follows:

The department, through its duly authorized representatives, shall have the power to enter upon any private or public property, including the boarding of any ship, at any reasonable time, and the owner, managing agent, master or occupant of such property shall permit such entry for the purpose of investigating conditions relating to violations or possible violations of ~~((RCW 90.48.315 through 90.48.365))~~ this chapter, and to have access to any pertinent records relating to such property, including but not limited to operation and maintenance records and logs ~~((PROVIDED, That in connection with)),~~ The authority granted herein ~~((no person))~~ shall not be ((required)) construed to require any person to divulge trade secrets or secret processes. The director may issue subpoenas for the production of any books, records, documents, or witnesses in any hearing conducted pursuant to this chapter.

Sec. 24. Section 9, chapter 133, Laws of 1969 ex. sess. as amended by section 152, chapter 109, Laws of 1987 and RCW 90.48.360 are each amended to read as follows:

It shall be the duty of any person discharging oil or hazardous substances or otherwise causing, permitting, or allowing the same to enter the waters of the state, unless the discharge or entry was expressly authorized by the department prior thereto or authorized by operation of law under RCW 90.48.200, to immediately notify the ~~((department at its office in Olympia, or a regional office thereof, of such discharge or entry))~~ coast guard and the division of emergency management. The notice to the division of emergency management within the department of community development shall be made to the division's twenty-four hour state-wide toll-free number established for reporting emergencies.

NEW SECTION. Sec. 25. (1) The following persons shall not be liable for necessary expenses or property damage caused by an act or omission of that person during the cleanup of oil spilled into the navigable waters of the state, unless the act or omission was performed in bad faith or with gross negligence:

- (a) The state or any unit of local government;
- (b) A person who volunteers to assist in the cleanup of the spilled oil; and
- (c) A person meeting the standards of section 4 of this act.

(2) This section shall not affect the liability of any person responsible for the spilled oil or responsible for the facility or covered vessel from which the oil was spilled.

NEW SECTION. Sec. 26. A new section is added to chapter 88.16 RCW to read as follows:

An oil tanker under escort of a tug or tugs pursuant to the provisions of RCW 88.16.190 shall not exceed the service speed of the tug or tugs that are escorting the oil tanker.

Sec. 27. Section 8, chapter 18, Laws of 1935 as last amended by section 2, chapter 264, Laws of 1987 and RCW 88.16.090 are each amended to read as follows:

(1) A person may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter only if appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) A person is eligible to be appointed a pilot if the person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years, a resident of the state of Washington at the time of appointment and only if the pilot applicant holds as a minimum, a United States government license as a master of freight and towing vessels not more than one thousand gross tons (inspected vessel), such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be licensed, and if the pilot applicant meets such other qualifications as may be required by the board. A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal

consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee established by the board of pilotage commissioners pursuant to chapter 34.05 RCW, but not to exceed one thousand five hundred dollars, to be placed in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications. The board shall conduct the examination on a regular date, as prescribed by rule, at least once every two years.

(5) The board shall have developed five examinations and grading sheets for the Puget Sound pilotage district, and two for each other pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants on a random basis and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a 'sample examination' which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who willfully gives advance knowledge of information contained on a pilot examination is guilty of a gross misdemeanor.

(6) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or candidate is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(7) The board shall prescribe, pursuant to chapter 34.05 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

(8) The board may prescribe vessel simulator training for a pilot applicant, or pilot subject to RCW 88.16.105, as it deems appropriate, taking into consideration the economic cost of such training, to enhance that person's ability to perform pilotage duties under this chapter.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims, and records of familiarization trips of pilot candidates. Willful misrepresentation of such required information by a pilot candidate shall result in disqualification of the candidate.

Sec. 28. Section 13, chapter 18, Laws of 1935 as last amended by section 1, chapter 392, Laws of 1987 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, 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 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) The board shall immediately review the pilot's license of a pilot who has been convicted within the prior twelve months of any offense involving drugs or the personal consumption of alcohol while on duty, including an offense of operation of a vehicle or vessel while under the influence of alcohol or drugs. After a hearing held pursuant to subsection (5) of this section:

(a) The board shall order a pilot who has been found to have been convicted within the prior twelve months of an offense involving drugs or the personal consumption of alcohol while on duty and who has not been convicted of another offense involving drugs or the personal consumption of alcohol in the previous five years to actively participate in and satisfactorily complete a specific program of treatment. The board may impose other sanctions it determines are appropriate. If the pilot does not satisfactorily complete the program of treatment, the board shall suspend, revoke, or withhold the pilot's license until the treatment is completed; and

(b) The board shall suspend for up to one year the license of a pilot found to have been convicted within the prior twelve months of a second or subsequent offense involving drugs or the personal consumption of alcohol while on duty.

(5) When the board determines that reasonable cause exists to issue a reprimand, impose a fine, suspend, revoke, or withhold any pilot's license or require training or treatment under subsection (1) ~~((or)),~~ (2), or (4) 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, suspension, revocation, or withholding of his pilot's license, or requiring treatment or training. The board's proposed reprimand, fine, 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))~~ (6) 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 34.05 RCW.

(7) The board shall immediately notify the United States coast guard that it has revoked or suspended a license pursuant to this section and that a suspended or revoked license has been reinstated.

Sec. 29. Section 1, chapter 2, Laws of 1989 1st ex. sess. and RCW 88.40.005 are each amended to read as follows:

The legislature recognizes that oil and hazardous substance spills and other forms of incremental pollution present serious danger to the fragile marine environment of Washington state. It is the intent and purpose of this chapter to define and prescribe financial responsibility requirements for vessels that transport petroleum products and hazardous substances across the waters of the state of Washington.

Sec. 30. Section 2, chapter 2, Laws of 1989 1st ex. sess. and RCW 88.40.010 are each amended to read as follows:

The following definitions apply throughout this chapter:

- (1) 'Department' means the state department of ecology;
 (2) 'Hazardous substances' means any hazardous substance as defined in RCW 70.105.010 or any hazardous substance defined by rule pursuant to chapter 70.105 RCW;
 (3) 'Inland barge' means any barge operating on the waters of the state and certified by the coast guard as an inland barge;

(4) 'Petroleum products' means oil as it is defined in RCW 90.48.315;

~~((3))~~ (5) 'Vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water but does not include an inland barge.

Sec. 31. Section 3, chapter 2, Laws of 1989 1st ex. sess. and RCW 88.40.020 are each amended to read as follows:

Any vessel over three hundred gross tons, that transports petroleum products as cargo, and any inland barge that transports oil or hazardous substances as cargo, using any port or place in the state of Washington or the navigable waters of the state shall establish, under rules prescribed by the director of the department of ecology, evidence of financial responsibility in the amount of the greater of one million dollars, or one hundred fifty dollars per gross ton of such vessel, to meet the liability to the state of Washington for the following: (1) The actual costs for removal of spills of petroleum products or hazardous substances; (2) civil penalties and fines; and (3) natural resource damages.

Sec. 32. Section 4, chapter 2, Laws of 1989 1st ex. sess. and RCW 88.40.030 are each amended to read as follows:

Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the director of the department of ecology: (1) Evidence of insurance; (2) surety bonds; (3) qualification as a self-insurer; or (4) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States. Documentation of such financial responsibility shall be kept on any barge or tank vessel transporting petroleum products or hazardous substances as cargo and filed with the department. The owner or operator of any other vessel shall maintain on the vessel a certificate issued by the United States coast guard evidencing compliance with the requirements of section 311 of the federal clean water act, 33 U.S.C. Sec. 1251 et seq.

NEW SECTION. Sec. 33. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void. This section does not apply to sections 17 through 32 and 35 of this act.

NEW SECTION. Sec. 34. Sections 3 through 10, 12, 13, 15, 16, and 25 of this act are each added to chapter 90.48 RCW.

NEW SECTION. Sec. 35. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "spills;" strike the remainder of the title and insert "amending RCW 90.48.315, 90.48.320, 90.48.330, 90.48.335, 90.48.355, 90.48.360, 88.16.090, 88.16.100, 88.40.005, 88.40.010, 88.40.020, and 88.40.030; reenacting and amending RCW 90.48.400; adding new sections to chapter 90.48 RCW; adding a new section to chapter 88.16 RCW; creating new sections; and prescribing penalties."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Engrossed Second Substitute House Bill No. 2494. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute House Bill No. 2494 as amended by the Senate.

POINT OF INQUIRY

Ms. Rust yielded to question by Mr. Phillips.

Mr. Phillips: Engrossed Second Substitute House Bill No. 2494, as it has been amended by the Senate, directs the Department of Ecology to conduct random practice drills of those entities that will respond to oil spills. The bill, as it was sent to the Senate, provided that these practice drills would be conducted annually. Does this change mean that the Department may not conduct annual drills of those entities that will respond to oil spills?

Ms. Rust: No. I have looked up the definition of the word "random" in a number of different dictionaries. Webster's New World Dictionary has three different meanings for the word "random" when used as an adjective. The meaning which is closest to its use in Engrossed Second Substitute House Bill No. 2494 as amended by the Senate is when used in statistics. Webster's New World Dictionary defines this use as follows: "... of, pertaining to, or characterizing a set of items every member of which has an equal chance of occurring or of occurring with a particular frequency." In this use, random drills could occur at any frequency. The could occur weekly, monthly or yearly. The change from annual to random in the Senate amendment would appear to give the Department of Ecology more flexibility to schedule practice drills as it determines is necessary.

Other meanings of the word "random" emphasize the notion of acting without an aim or plan or without uniformity. These uses do not appear appropriate in the context of this bill. One would hope that the Department will not schedule drills without an aim or plan, or haphazardly. The latter definition, that of being without uniformity, could enable the Department to schedule five drills one year, three the next, ten the next, and none the following. This, too, is inappropriate. Therefore, the only meaning that makes sense is the meaning when used in statistics.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2494 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Velich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Sprengle - 1.

Engrossed Second Substitute House Bill No. 2494 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2907 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 201, Laws of 1989 and RCW 59.21.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Director' means the director of the department of community development.

(2) 'Department' means the department of community development.

(3) 'Fund' means the mobile home park relocation fund established under RCW 59.21.050 consisting of tenant and landlord contributions.

(4) 'Low-income' means at or below eighty percent of median household income as defined by the United States department of housing and urban development, for the county or standard metropolitan statistical area where the park is located.

(5) 'Mobile home park' or 'park' means real property that is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

(6) 'Landlord' or 'park-owner' means the owner of the mobile home park that is being closed at the time relocation assistance is provided.

(7) 'Relocate' means to remove the mobile home from the mobile home park being closed.

(8) 'Relocation assistance' means the monetary assistance provided under RCW 59.21.020.

Sec. 2, Section 2, chapter 201, Laws of 1989 and RCW 59.21.020 are each amended to read as follows:

(1) If a mobile home park is closed or converted to another use, all affected park tenants owning a mobile home are entitled to relocation assistance from the park-owner or the fund at the time the tenant relocates as follows: (a) For a single-wide mobile home, four thousand five hundred dollars; and (b) for a double-wide or larger mobile home, seven thousand five hundred dollars. No park tenant shall receive relocation assistance from the park owner or the fund for relocation of a recreational vehicle. The relocation assistance costs shall be adjusted annually by the housing component of the consumer price index for the Washington state area.

(2) When a tenant is forced to relocate before July 1, 1991, the payment of relocation assistance as provided by this section shall be paid by the park-owner. However, if the tenant has been given notice to vacate prior to April 1, 1989, and the tenant has not yet relocated as of April 28, 1989, the payment of relocation assistance by the park-owner shall be required only if the tenant is low income.

(3) When a tenant is forced to relocate after June 30, 1991, the payment of relocation assistance to low-income park tenants as provided in this section shall be shared as follows: The landlord or park-owner shall provide one-third and the fund shall provide two-thirds.

(4) After July 1, 1992, (a) if twenty-four months' notice of closure is given, the landlord or park-owner shall provide five hundred dollars for a single-wide home or one thousand dollars for a double-wide or larger home and the fund shall provide the balance of the relocation assistance to low-income park tenants; (b) if the park-owner gives less than twenty-four months' notice the park-owner shall provide one-third and the fund shall provide two-thirds of the relocation assistance to low-income park tenants.

(5) All tenants eligible for relocation assistance shall apply for verification of eligibility to the department. The department shall issue a document to each tenant signifying the tenant's low-income status, or status other than low income to be given to the park-owner by the tenant.

(6) The park-owner shall be responsible for paying up to the full amount of relocation assistance to low-income park tenants if there are insufficient moneys in the fund. The department shall adopt rules governing disbursements of assistance from the fund and park-owner payments when there are insufficient moneys to meet the demand for relocation assistance.

(7) The park-owner shall pay park tenants who do not qualify as low-income tenants the same amount of relocation assistance that low-income park tenants are entitled to from the park-owners under this section. The landlord shall pay the relocation assistance directly to the tenant if the tenant submits to the landlord a copy of the contract entered into for the purpose of relocating the mobile home, which includes the date of relocation. The tenant may recover court costs and a reasonable attorney's fee in any action brought to require the landlord to pay relocation assistance under this subsection in which the tenant prevails.

(8) The park-owner shall make any payment to the department required by this chapter when demanded by the department; however, the department shall not demand such payment earlier than thirty days prior to the expected relocation date of the tenant. If the landlord does not pay his or her portion of the relocation assistance to the department when required by this chapter, the department shall have a lien on the real property on which the park is located. Such lien shall be collected as delinquent general property taxes and shall be forwarded to the department by the county treasurer.

((66)) (9) The director or his or her designee shall approve all expenditures from the fund.

((77)) (10) Relocation assistance contributions required from landlords or park-owners by this section shall be reduced by the amount paid or required to be paid under any other law for the same mobile home park tenant for the same relocation.

(11) Notwithstanding RCW 59.21.100, it is a violation of this chapter to request or require as a condition of initiating or renewing a tenancy in a mobile home park, a waiver of relocation assistance under this section or any other law or ordinance. Any such waiver, regardless of the date of its execution, is void and unenforceable as contrary to public policy.

(12) Any park owner coercing or attempting to coerce a tenant into terminating a tenancy for the purpose of avoiding the payment of relocation assistance shall give rise to a civil cause of action for damages or equitable relief by a tenant injured by such act.

Sec. 3, Section 3, chapter 201, Laws of 1989 and RCW 59.21.030 are each amended to read as follows:

Notice required by RCW 59.20.080 before park closure or conversion of the park, whether twelve months or longer, shall be given to the director and all tenants in writing, and posted at

all park entrances. Notice must also include the tenant's right to relocation assistance, if applicable. Notice must also be recorded in the office of the county auditor for the county where the mobile home park is located. This section shall apply to all park closures even though notice may have been given prior to April 28, 1989.

NEW SECTION. Sec. 4. A new section is added to chapter 59.21 RCW to read as follows:

The obligation of a park-owner to pay relocation assistance under this chapter runs with the land and is binding upon purchasers, successors and assigns of any park-owner obligated to provide relocation assistance under this chapter.

Sec. 5. Section 5, chapter 201, Laws of 1989 and RCW 59.21.050 are each amended to read as follows:

(1) The mobile home park relocation fund is created in the custody of the state treasurer. All legislative appropriations for mobile home relocation assistance, receipts from (~~assessments~~) fees collected under (~~RCW 59.21.066~~) this chapter, and amounts required to be paid by park-owners to low-income park tenants shall be deposited into the fund. Expenditures from the fund may be used only for (~~administration of the fund~~) relocation assistance under RCW 59.21.020, or transfer to the mobile home park purchase fund under subsection (2) of this section. Only the director of community development or the director's designee may authorize expenditures from the fund. All relocation payments to low-income park tenants, including those due from the park-owner shall be made from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) The state treasurer shall maintain the fund and shall invest the fund moneys. Moneys earned on these investments shall be deposited in the fund and shall be used for the same purposes as other fund moneys. Unexpended and unencumbered moneys that remain in the fund at the end of the fiscal year do not revert to the state general fund but remain in the fund, separately accounted for, as a contingency reserve, or if the director determines at the end of any fiscal year beginning after December 31, 1991, that the fund contains a surplus over the projected amount needed for relocation during the upcoming year(s), any surplus may be transferred to the mobile home park purchase fund created by chapter 59.22 RCW. However, the director may cause any uncommitted funds in the mobile home park purchase fund which were transferred from the mobile home park relocation fund to be transferred back to the mobile home park relocation fund if that fund cannot otherwise meet its current obligations.

(3) A low-income park tenant who is entitled to relocation assistance under this chapter is entitled to payment only after submitting an application which includes: (a) A copy of the notice from the park-owner that the tenancy is terminated due to closure of the park; (b) a copy of the rental agreement currently in force; and (c) a copy of the contract entered into for the purpose of relocating the mobile home, which includes the date of relocation.

(4) The director may adopt rules for the administration of the fund.

~~((5) The department may use money from the fund to offset the necessary costs of administering the fund. Administrative cost reimbursement shall not exceed fifty thousand dollars or five percent of the revenue to the fund for any given fiscal year, whichever is greater, to offset expenses incurred during that year.))~~

Sec. 6. Section 6, chapter 201, Laws of 1989 and RCW 59.21.060 are each amended to read as follows:

(1) There is hereby (~~placed~~) imposed a fee of sixty-five dollars on (~~all~~) every transfer of title on new or used mobile homes (~~located in mobile home parks an annual assessment of eleven dollars per mobile home beginning on January 1, 1990. The assessment shall be collected by the county treasurer or treasurers within the county or counties where the mobile home or the mobile home park is located. Notice of the assessment created under this section may be included on the notice of property taxes due, or may be sent separately from the notice of property taxes due. The assessment created under this section shall be due at the same time property taxes are due and shall constitute a lien on the mobile home upon which the assessment is imposed. Delinquent assessments created under this section shall be foreclosed in the same manner, and subject to the same time schedules, interest, and penalties as delinquent property taxes. County treasurers may impose a fee for collecting the assessment created in this section not to exceed five percent of the dollar value of the collection of assessments created under this section. The county treasurer may collect the assessment for 1990 at the same time the county treasurer collects the assessment for 1991 if the county treasurer would experience undue hardship in collecting the 1990 assessment in that year.~~)

(2) Upon the request of the treasurer of the county or counties where the mobile home park is located, each park-owner shall provide the county treasurer with a list of all tenants residing in the park on January 1, 1989. This list shall be mailed by August 1, 1989, to the treasurer or treasurers of the county or counties where the mobile home park is located. The list shall include the name and address of each tenant, and the mobile home tax number of each tenant if available. Upon the request of the treasurer of the county or counties where the mobile home park is located, the park-owners shall update the list of tenants residing in the park:

(3) The assessments collected under subsection (1) of this section shall be forwarded to the state treasurer, less any administration fee collected by the county treasurer under this section. The state treasurer shall deposit one dollar of the assessment collected per mobile home in the

~~mobile home affairs account created by RCW 59.22.070; the remainder of the assessment forwarded to the state treasurer under this subsection shall be deposited in the mobile home park relocation fund created under RCW 59.21.050.~~

(4)) where ownership of the mobile home is changed by any transaction including but not limited to sales and gift transactions and transfers of ownership which involve elimination of title under chapter 65.20. The county auditor or county treasurer shall collect the fee as provided in chapter 82.08 or 82.45 RCW. The fee collected under this section shall be forwarded to the state treasurer. The state treasurer shall deposit fifty dollars of each fee collected in the mobile home park relocation fund created under RCW 59.21.050 and the remaining fifteen dollars of each fee collected in the mobile home affairs account created by RCW 59.22.070.

(2) The department of revenue, the department of licensing, and the state treasurer(, and the county treasurers) may enact any rules necessary to carry out this section.

Sec. 7. Section 28A.45.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 192, Laws of 1984 and RCW 82.45.090 are each amended to read as follows:

The tax imposed by this chapter and the fee imposed in RCW 59.21.060(1) shall be paid to and collected by the treasurer of the county within which is located the real property which was sold, said treasurer acting as agent for the state. The county treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales and used floating home sales. A receipt issued by the county treasurer for the payment of the tax imposed under this chapter shall be evidence of the satisfaction of the lien imposed hereunder and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax shall be accepted by the county auditor for filing or recording until the tax shall have been paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be so accepted until suitable notation of such fact has been made on the instrument by the treasurer.

Sec. 8. Section 1, chapter 89, Laws of 1987 and RCW 82.08.065 are each amended to read as follows:

In the collection of the sales tax on mobile homes and the fee imposed in RCW 59.21.060(1), the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax and the fee at the time the mobile home dealer or selling agent applies for a new certificate of ownership for such mobile home in the instance where transfer of ownership was from a mobile home dealer or person deemed a selling agent under RCW 82.04.480, except where the applicant presents a written statement signed by the department of revenue or its duly authorized agent showing that no retail sales tax or use tax is legally due. The term 'mobile home' as used in this section means a mobile home as defined in RCW 46.04.302. It shall be the duty of every mobile home dealer or selling agent to declare upon the application for a new certificate of ownership the selling price paid for the mobile home. Any person willfully misrepresenting, or failing or refusing to declare upon the application, such selling price shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of RCW 82.12.045 pay over and account to the state treasurer for all sales tax revenue collected under this section, after first deducting as his or her collection fee the sum of two dollars for each mobile home upon which the tax has been collected.

Any applicant who has paid sales tax to a county auditor under this section may apply to the department of revenue for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund is allowed unless application therefor is received by the department of revenue within four years after payment of the tax. Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180, and 82.32.190.

The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to adopt such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by the director of licensing in remitting sales tax revenue to the state treasurer.

Sec. 9. Section 11, chapter 201, Laws of 1989 and RCW 59.21.080 are each amended to read as follows:

Before a mobile home park-owner may close a mobile home park or convert it to another use, the owner shall pay amounts owed for relocation assistance under RCW 59.21.020 to the ~~((state treasurer))~~ department for deposit into the fund. A park-owner may give notice as required by RCW 59.20.080 and this chapter before payment of these amounts.

Sec. 10. Section 4, chapter 280, Laws of 1988 as amended by section 7, chapter 201, Laws of 1989 and RCW 59.22.060 are each amended to read as follows:

(1) Every landlord shall register by October 1, 1988, with the department of revenue under such rules as that department shall prescribe.

(2) Every landlord shall pay a fee of one dollar per lot per year, except for unoccupied lots, until December 31, 1990. This fee shall be remitted by the landlord to the department of revenue under such rules as the department shall prescribe. The department of revenue shall forward the one-dollar fee per lot paid by the landlord to the mobile home affairs account created by RCW 59.22.070.

~~((9) This section shall take effect on January 1, 1990;))~~

NEW SECTION, Sec. 11. Sections 6, 7, and 8 of this act shall take effect July 1, 1990.

NEW SECTION, Sec. 12. Section 13, chapter 201, Laws of 1989 and RCW 59.21.090 are each repealed."

On page 1, line 1 of the title, after "relocation;" strike the remainder of the title and insert "amending RCW 59.21.010, 59.21.020, 59.21.030, 59.21.050, 59.21.060, 82.45.090, 82.08.065, 59.21.080, and 59.22.060; adding a new section to chapter 59.21 RCW; repealing RCW 59.21.090; and providing an effective date."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Nutley moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2907. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2907 as amended by the Senate.

Representatives Nutley and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2907 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; nays, 3; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Cooper, Inslee, Kirby - 3.

Excused: Representative Sprengle - 1.

Engrossed Substitute House Bill No. 2907 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 1990

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2939 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The following acts or parts of acts are each repealed:

(1) Section 109, chapter 136, Laws of 1981, section 2, chapter 350, Laws of 1985, section 4, chapter 143, Laws of 1988 and RCW 72.02.180; and

(2) Section 14, chapter 143, Laws of 1988 and RCW 72.02.190.

NEW SECTION, Sec. 2. A new section is added to chapter 72.02 RCW to read as follows:

If the department of corrections provides new inmate beds, or provides double-bunks for existing cells, within ten miles of a city or town that is within three miles of correctional facilities that would have been subject to RCW 72.02.180 or 72.02.190, and if those facilities had an average annual inmate capacity of at least one thousand on the effective date of this act, the department shall, subject to appropriation by the legislature, provide mitigating funds to the city or town containing or closest to the facility with the new beds or double-bunked cells. For purposes of determining the eligibility of a city or town for mitigation funds under this section, the average annual inmate capacity of correctional facilities within three miles of a city or

town shall be combined. The mitigation funds shall be calculated as follows: The number of new beds or double-bunked cells divided by one thousand multiplied by the annual general fund—state operating budget of the department's correctional facilities within ten miles of that town or city, multiplied by one percent. The city or town, in its discretion, may share the funds with other cities or the county in which the city or town is located. The department shall provide mitigation funds annually, adjusted for changes in additional new beds or double-bunked cells and in the department's budget. The funds authorized by this section shall be in addition to any other amounts that were authorized prior to the effective date of this act by the legislature or ordered by any court for the purpose of mitigating the impact of adult correctional facilities.

NEW SECTION. Sec. 3. If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 2 of this act shall be null and void.

NEW SECTION. Sec. 4. A new section is added to chapter 72.02 RCW to read as follows:

The department of corrections shall provide annual financial assistance to the city and county of Walla Walla and the city of College Place in order to offset the direct economic costs incurred by the local governments as a result of the continued impact of the Washington state penitentiary and adjoining correctional facilities on city law enforcement, sewer, fire, water, and social services. The funds authorized by this section shall be in addition to any other amounts authorized by the legislature prior to the effective date of this act for the purpose of mitigating the impact of adult correctional facilities on local governments.

NEW SECTION. Sec. 5. If specific funding for the purposes of section 4 of this act, referencing section 4 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 4 of this act shall be null and void.

NEW SECTION. Sec. 6. A new section is added to chapter 72.02 RCW to read as follows:

If the department of corrections increases the average daily inmate population at the Twin Rivers corrections center above the nonemergency statutory limit under RCW 72.02.180, the department shall, subject to appropriation by the legislature, provide annual mitigating funds to the county in which the corrections center is located. The mitigation funds shall be calculated by multiplying the average daily inmate population that exceeds the nonemergency statutory limit for that fiscal year, by five hundred dollars.

NEW SECTION. Sec. 7. If specific funding for the purposes of section 6 of this act, referencing section 6 of this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, section 6 of this act shall be null and void.

NEW SECTION. Sec. 8. A new section is added to chapter 72.02 RCW to read as follows:

If inmate populations are increased at any institution as a result of the repeal of RCW 72.02.180 or 72.02.190, the department of corrections shall provide sufficient staffing at the institution to comply with the division of prisons custody model as adopted by the department. In no event shall staffing levels be reduced below the levels in effect on the effective date of this act."

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "adding new sections to chapter 72.02 RCW; creating new sections; and repealing RCW 72.02.180 and 72.02.190."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Engrossed House Bill No. 2939. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 2939 as amended by the Senate.

Representatives Braddock and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2939 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Berozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gailagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott,

Silver, Smith, Sommers D, Sommers H, Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Nelson, Wilson K - 2.

Excused: Representative Sprengle - 1.

Engrossed House Bill No. 2939 as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate concurs in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6499, on page 1, line 9. The President has ruled the amendments on page 1, lines 8, 12 and 25 beyond the scope and object of the bill, and the Senate asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Appelwick moved that the House recede from its amendments to Engrossed Substitute Senate Bill No. 6499 on page 1, lines 8, 12 and 25.

Mr. Padden spoke against the motion, and Mr. Appelwick spoke in favor of it.

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

Mr. Padden again opposed the motion, and Ms. Scott spoke in favor of it.

ROLL CALL

The Clerk called the roll on the motion by Representative Appelwick to recede from the House amendments to Engrossed Substitute Senate Bill No. 6499 on page 1, lines 8, 12 and 25, and the motion was carried by the following vote: Yeas, 54; nays, 39; absent, 3; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Baugher, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Hine, Inslée, Jacobsen, Jones, King P, King R, Kremen, Leonard, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Spanel, Todd, Valle, Vekich, Wang, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 54.

Voting nay: Representatives Ballard, Basich, Beck, Betzoff, Bowman, Brooks, Brough, Brunsickle, Doty, Ferguson, Forner, Fuhrman, Hankins, Hargrove, Heavey, Holland, Horn, Jesernig, Kirby, May, McLean, Meyers R, Miller, Moyer, Nealey, Padden, Prince, Schmidt, Schoon, Smith, Sommers D, Sommers H, Tate, Van Luven, Walker, Winsley, Wolfe, Wood, Youngsman - 39.

Absent: Representatives Ebersole, Locke, Silver - 3.

Excused: Representative Sprengle - 1.

FINAL PASSAGE OF SENATE BILL WITH CERTAIN HOUSE AMENDMENT

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6499 with certain House amendment.

Mr. Padden spoke against passage of the bill, and Ms. Scott spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6499 with certain House amendment, and the bill passed the House by the following vote: Yeas, 55; nays, 41; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Baugher, Belcher, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Hine, Holland, Inslée, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Todd, Valle, Vekich, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 55.

Voting nay: Representatives Ballard, Basich, Beck, Bennett, Betzoff, Bowman, Braddock, Brooks, Brough, Brunsickle, Doty, Ferguson, Forner, Fuhrman, Hankins, Hargrove, Heavey, Horn, Jesernig, Kirby, May, McLean, Meyers R, Miller, Moyer, Nealey, Padden, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wang, Winsley, Wolfe, Wood, Youngsman - 41.

Excused: Representative Sprenkle - 1.

Engrossed Substitute Senate Bill No. 6499 with certain House amendment, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5450 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Bailey, Talmadge and Lee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Grant moved that the House adhere to its position regarding the House amendments to Engrossed Substitute Senate Bill No. 5450 and again ask the Senate to concur therein. The motion was carried.

MESSAGES FROM THE SENATE

March 6, 1990

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 2378. The President has appointed the following members as conferees: Senators Bailey, Bauer and Lee.

W. D. Naismith, Assistant Secretary.

March 6, 1990

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED HOUSE BILL NO. 2413. The President has appointed the following members as conferees: Senators Bailey, Stratton and Saling.

W. D. Naismith, Assistant Secretary.

March 6, 1990

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED HOUSE BILL NO. 2602. The President has appointed the following members as conferees: Senators Smith, Stratton and Patrick.

W. D. Naismith, Assistant Secretary.

March 6, 1990

Mr. Speaker:

The Senate has granted the request of the House for a conference on SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212. The President has appointed the following members as conferees: Senators Lee, Murray and Smith, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 6, 1990

Mr. Speaker:

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 2643, and passed the bill without the Senate amendments, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 6, 1990

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 2808, and passed the bill without the Senate amendments, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 6, 1990

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5013,
 SENATE BILL NO. 5169,
 SUBSTITUTE SENATE BILL NO. 5300,
 SUBSTITUTE SENATE BILL NO. 6195,
 SUBSTITUTE SENATE BILL NO. 6221,
 SENATE BILL NO. 6304,
 SUBSTITUTE SENATE BILL NO. 6330,
 SENATE BILL NO. 6370,
 SENATE BILL NO. 6399,
 SUBSTITUTE SENATE BILL NO. 6474,
 SENATE BILL NO. 6528,
 SENATE BILL NO. 6571,
 SENATE BILL NO. 6574,
 SUBSTITUTE SENATE BILL NO. 6575,
 SENATE BILL NO. 6577,
 SENATE BILL NO. 6583,
 SUBSTITUTE SENATE BILL NO. 6681,
 SUBSTITUTE SENATE BILL NO. 6698,
 SUBSTITUTE SENATE BILL NO. 6701,
 SUBSTITUTE SENATE BILL NO. 6726,
 SENATE BILL NO. 6727,
 SUBSTITUTE SENATE BILL NO. 6729,
 HOUSE BILL NO. 2310,
 HOUSE BILL NO. 2331,
 HOUSE BILL NO. 2438,
 HOUSE BILL NO. 2441,
 SUBSTITUTE HOUSE BILL NO. 2457,
 HOUSE BILL NO. 2461,
 HOUSE BILL NO. 2469,
 HOUSE BILL NO. 2473,
 SUBSTITUTE HOUSE BILL NO. 2482,
 SUBSTITUTE HOUSE BILL NO. 2513,
 SUBSTITUTE HOUSE BILL NO. 2524,
 HOUSE BILL NO. 2527,
 HOUSE BILL NO. 2561,
 HOUSE BILL NO. 2562,
 SUBSTITUTE HOUSE BILL NO. 2587,
 HOUSE BILL NO. 2633,
 SUBSTITUTE HOUSE BILL NO. 2708,
 HOUSE BILL NO. 2753,
 HOUSE BILL NO. 2942,
 HOUSE CONCURRENT RESOLUTION NO. 4437,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

The Speaker called on Representative Wang to preside.

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

MOTION

On motion of Mr. Heavey, the House adjourned until 9:30 a.m., Wednesday, March 7, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 7, 1990

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Brekke, Ferguson, G. Fisher, Padden, Scott, Spanel, Todd, Vekich and Winsley. On motion of Ms. Cole, Representatives Appelwick, Scott, Spanel, Todd and Vekich were excused. On motion of Ms. Miller, Representative Padden was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andrew Alexander and Erica Adams. Prayer was offered by The Most Reverend Thomas J. Murphy, Archbishop of Seattle.

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

MESSAGES FROM THE SENATE

March 6, 1990

Mr. Speaker:

The Senate concurred in the House amendment(s) and passed the following bills as amended by the House:

ENGROSSED SENATE BILL NO. 6164,
 SUBSTITUTE SENATE BILL NO. 6764,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6771,
 SECOND SUBSTITUTE BILL NO. 6780,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6868,
 SUBSTITUTE SENATE BILL NO. 6880,
 SENATE JOINT MEMORIAL NO. 8017,
 SENATE JOINT MEMORIAL NO. 8023.

W. D. Naismith, Assistant Secretary.

March 6, 1990

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6182,
 SECOND SUBSTITUTE SENATE BILL NO. 6310,
 SUBSTITUTE SENATE BILL NO. 6560,
 SENATE BILL NO. 6652,
 SUBSTITUTE SENATE BILL NO. 6668,
 SUBSTITUTE SENATE BILL NO. 6700,
 SENATE BILL NO. 6741,
 SENATE BILL NO. 6822,
 SUBSTITUTE SENATE BILL NO. 6827,
 SENATE BILL NO. 6839,
 SUBSTITUTE SENATE BILL NO. 6859,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

March 6, 1990

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6610. The President has

appointed the following members as conferees: Senators Smith, Niemi and Craswell, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTIONS AND FIRST READING

HB 3027 by Representatives Jesernig, Hankins, Rector, Crane, Heavey, Nealey, Dorn, Hargrove, Rasmussen, Basich, Kirby, Baugher, Cooper, Day, Brooks, Wood, Peery, Padden, Raiter and Inslee

AN ACT Relating to volunteer law enforcement officers' relief and pensions; and adding a new chapter to Title 41 RCW.

Referred to Committee on Appropriations.

HJR 4230 by Representatives Haugen, Ballard, D. Sommers, Kirby, Wood and Raiter

Including political subdivisions, municipalities, and health care facilities in the constitutional provisions pertaining to chaplains.

Referred to Committee on State Government.

The Speaker (Mr. O'Brien presiding) referred the bill and resolution listed on today's introduction sheet under the fourth order of business to the committees so designated.

REPORT OF CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 6626, requiring an assessment of higher education needs of placebound students, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

All previous amendments be rejected, and

The bill be amended as follows:

On page 1, line 6, after "study the" strike all material through "1993," on line 16 and insert "upper division baccalaureate educational needs of placebound students, and the graduate educational needs of teachers, living in areas of the state not currently served by either existing four-year institutions or branch campuses. The study shall include recommendations on how the needs should be addressed, and which institutions should be responsible for serving specific areas.

NEW SECTION, Sec. 2. The legislature finds that many individuals in the state of Washington have attended college and received an associate of arts degree, or its equivalent, but are placebound.

The legislature intends to establish an educational opportunity grant program for placebound students who have completed an associate of arts degree, or its equivalent, in an effort to increase their participation in and completion of upper-division programs.

NEW SECTION, Sec. 3. The educational opportunity grant program is hereby created as a demonstration project to serve placebound financially needy students by assisting them to obtain a baccalaureate degree at public and private institutions of higher education which have the capacity to accommodate such students within existing educational programs and facilities.

NEW SECTION, Sec. 4. (1) For the purposes of this chapter, 'placebound' means unable to relocate to complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors.

(2) To be eligible for an educational opportunity grant, applicants must be placebound residents of the state of Washington who are needy students as defined in RCW 28B.10.802(3) and who have completed the associate of arts degree or its equivalent. A placebound resident is one who may be influenced by the receipt of an enhanced student financial aid award to attend an institution that has existing unused capacity rather than attend a branch campus established pursuant to chapter 28B.45 RCW. An eligible placebound applicant is further defined as a person whose residence is located in an area served by a branch campus who, because of family or employment commitments, health concerns, monetary need, or other similar factors, would be unable to complete an upper-division course of study but for receipt of an educational opportunity grant.

NEW SECTION, Sec. 5. The higher education coordinating board shall develop and administer the educational opportunity grant program. The board shall adopt necessary rules

and guidelines and develop criteria and procedures to select eligible participants in the program. Payment shall be made directly to the eligible participant periodically upon verification of enrollment and satisfactory progress towards degree completion.

NEW SECTION. Sec. 6. Grants may be used by eligible participants to attend any public or private college or university in the state of Washington that has an existing unused capacity. Grants shall not be used to attend any branch campus or educational program established under chapter 28B.45 RCW. The participant shall not be eligible for a grant if it will be used for any programs that include religious worship, exercise, or instruction or to pursue a degree in theology. Each participating student may receive up to two thousand five hundred dollars per academic year, not to exceed the student's demonstrated financial need for the course of study.

NEW SECTION. Sec. 7. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each institution of higher education with a commissioned police force shall report to the Washington association of sheriffs and police chiefs or its successor agency, on a monthly basis, crime statistics for the Washington state uniform crime report, in the format required by the Washington association of sheriffs and police chiefs, or its successor agency. Institutions of higher education which do not have commissioned police forces shall report crime statistics through appropriate local law enforcement agencies.

(2) Each institution of higher education shall publish and distribute a report which shall be updated annually and which shall include the crime statistics as reported under subsection (1) of this section for the most recent three-year period. Upon request, the institution shall provide the report to every person who submits an application for admission to either a main or branch campus, and to each new employee at the time of employment. In its acknowledgement of receipt of the formal application for admission, the institution shall notify the applicant of the availability of such information. The information also shall be provided on an annual basis to all students and employees. Institutions with more than one campus shall provide the required information on a campus-by-campus basis.

(3) Each institution of higher education shall provide to every new student and new employee, and upon request to other interested persons, information which follows the general categories for safety policies and procedures outlined in this section. Such categories shall, at a minimum, include campus enrollments, campus nonstudent workforce profile, the number and duties of campus security personnel, arrangements with state and local police, and policies on controlled substances. Information for the most recent academic year also shall include a description of any programs offered by an institution's student affairs or services department, and by student government organizations regarding crime prevention and counseling, including a directory of available services and appropriate telephone numbers and physical locations of these services. In addition, institutions maintaining student housing facilities shall include information detailing security policies and programs.

Institutions with a main campus and one or more branch campuses shall provide the information on a campus-by-campus basis.

In the case of community colleges, colleges shall provide such information to the main campuses only and shall provide reasonable alternative information at any off-campus centers and other affiliated college sites enrolling less than one hundred students.

(4) Each institution shall establish a task force which shall annually examine campus security and safety issues. The task force shall review the report published and distributed pursuant to this section in order to ensure the accuracy and effectiveness of the report, and make any suggestions for improvement. This task force shall include representation from the institution's administration, faculty, staff, recognized student organization, and police or security organization.

NEW SECTION. Sec. 8. Sections 2 through 6 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 12, chapter 7, Laws of 1989 1st ex. sess. and RCW 28B.80.530; and

(2) Section 13, chapter 7, Laws of 1989 1st ex. sess. and RCW 28B.80.540."

On page 1, line 2 of the title, after "28B.80 RCW;" strike "and making an appropriation" and insert "adding a new section to chapter 28B.10 RCW; adding a new chapter to Title 28B RCW; and repealing RCW 28B.80.530 and 28B.80.540"

Signed by Senators Saling, Bauer, von Reichbauer; Representatives Jacobsen, Heavey, Van Luven.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute Senate Bill No. 6626 was adopted and the committee was granted the powers of Free Conference.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1990

Mr. Speaker:

The Senate suspended the rules, returned SUBSTITUTE HOUSE BILL NO. 2421 to second reading and passed the bill with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 241, Laws of 1989 and RCW 88.12.070 are each amended to read as follows:

(1) The purpose of this section is to promote safety in water skiing on the waters of Washington state, provide a means of ensuring safe water skiing and promote the enjoyment of water skiing.

(2) When used in this section, the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(a) 'Operator' means the individual in physical control of ~~((the recreational boat))~~ a vessel. The operator of a personal watercraft shall be at least fourteen years of age.

(b) 'Observer' means the individual riding in ~~((the recreational boat))~~ a vessel who shall be responsible for observing the water skier at all times. The observer and the operator shall not be the same person. The observer shall be ~~((at least ten years of age))~~ an individual who meets the minimum qualifications for an observer established by rules of the state parks and recreation commission.

(c) ~~(("Recreational boat" means any vessel manufactured or used primarily for noncommercial use, or leased, rented, or chartered to another for the latter's noncommercial use.))~~ 'Personal watercraft' means a vessel of less than sixteen feet which uses a motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(d) 'Vessel' means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(e) 'Waters of Washington state' means any waters within the territorial limits of Washington state.

(3) No ~~((recreational boat))~~ vessel which has in tow a person or persons on water skis, or similar contrivance shall be operated on any waters of Washington state unless such craft shall be occupied by at least an operator and an observer. The observer shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons fall into the water, and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright red or brilliant orange color, measuring at least twelve inches ((on each side)) square, mounted on a ((handle)) pole not less than twenty-four inches long and displayed as to be visible from every direction. This subsection does not apply to a ~~((United States coast guard approved recreational boat))~~ personal watercraft, the design of which makes no provision for carrying an operator or any other person on board, and that is actually operated by the person or persons being towed. Every remote-operated personal watercraft shall have a flag attached which meets the requirements of this subsection.

(4) No person shall engage or attempt to engage in water skiing, or operate or ride on a personal watercraft, without wearing an adequate and effective United States coast guard approved type I, II, III, or V personal flotation device in good and serviceable condition and of appropriate size, or a wet suit ~~((specifically designed by a manufacturer for that purpose and capable of floating the water skier))~~ which is approved for personal flotation by the United States coast guard. A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch must attach the lanyard to his or her person, clothing, or personal flotation device as is appropriate for the specific vessel. It is unlawful for any person to remove or disable a cutoff switch which was installed by the manufacturer.

(5) No person shall engage or attempt to engage in water skiing, or operate any vessel to tow a water skier, on the waters of Washington state during the period from one hour after sunset until one hour prior to sunrise.

(6) No person shall operate a personal watercraft on the waters of Washington state during the period from sunset until sunrise.

(7) No person engaged in water skiing, or the operation of a personal watercraft, shall conduct himself or herself in a negligent manner that endangers, or is likely to endanger, any person or property.

~~((7))~~ (8) The requirements of subsections (3), (4), and (5) of this section shall not apply to ~~((water skiers and boat operators))~~ persons engaged in ((water ski)) tournaments, competitions, or exhibitions that have been authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events.

(9) It shall be unlawful for a person to lease, hire, or rent a personal watercraft to any person who is under sixteen years of age.

Sec. 2. Section 4, chapter 72, Laws of 1933 and RCW 88.12.040 are each amended to read as follows:

(1) All such motor driven boats or vessels shall use ~~((a muffler or other similar device to reduce the sound of exhaust))~~ an adequate and operating muffling device with a series of baffles and chambers, which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise.

(2) It shall be unlawful to remove, disable, bypass, or use a cutout device on any muffler or muffling device of any vessel, except while engaged in organized racing events in an area designated for that purpose.

Sec. 3. Section 2, chapter 267, Laws of 1985 as last amended by section 6, chapter 373, Laws of 1987 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 or to operate at a rate of speed greater than will permit the operator in the exercise of reasonable care to bring the vessel to a safe stop.

(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 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

(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 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, other than a seaplane.

(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.

NEW SECTION. Sec. 4. This act shall take effect July 1, 1990.

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

On page 1, line 1 of the title, after "skis;" strike the remainder of the title and insert "amending RCW 88.12.070, 88.12.040, and 88.02.095; providing an effective date; and prescribing penalties."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. K. Wilson moved that the House do concur in the Senate amendments to Substitute House Bill No. 2421. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 2421 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2421 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; absent, 4; excused, 6.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Fisher R. Forner, Fraser, Fuhrman, Gallagher, Grant, Hamkins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P. King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen,

Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Silver, Smith, Sommers D, Sommers H, Sprengle, Tate, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Wolfe, Wood, Youngman, Zellinsky, and Mr. Speaker - 87.

Absent: Representatives Brekke, Ferguson, Fisher G, Winsley - 4.

Excused: Representatives Appelwick, Padden, Scott, Spanel, Todd, Vekich - 6.

Substitute House Bill No. 2421 as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. Wang presiding) called the House to order.

Representatives Brekke, Ferguson, G. Fisher, Scott, Todd and Winsley appeared at the bar of the House.

REPORT OF CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 5340, regulating disbursements by escrow agents, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

The amendment by the House Committee on Financial Institutions & Insurance be rejected (For committee amendment, see Journal, 46th Day, February 22, 1990.), and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 7, chapter 153, Laws of 1965 as last amended by section 1, chapter 178, Laws of 1988 and RCW 18.44.070 are each amended to read as follows:

Every certificated escrow agent shall keep adequate records of all transactions handled by or through the agent including itemization of all receipts and disbursements of each transaction, which records shall be open to inspection by the director or the director's authorized representatives.

Every certificated agent shall keep a separate escrow fund account in a recognized Washington state depository authorized to receive funds, in which shall be kept separate and apart and segregated from the agent's own funds, all funds or moneys of clients which are being held by the agent pending the closing of a transaction and such funds shall be deposited not later than the first banking day following receipt thereof.

An escrow agent, unless exempted by RCW 18.44.020(2), shall not make disbursements on any escrow account without first receiving deposits directly relating to the account in amounts at least equal to the disbursements. An escrow agent shall not make disbursements until the next business day after the business day on which the funds are deposited unless the deposit is made in cash, by interbank electronic transfer, or in a form that permits conversion of the deposit to cash on the same day the deposit is made. The deposits shall be in one of the following forms:

(1) Cash;

(2) Interbank electronic transfers such that the funds are unconditionally received by the escrow agent or the agent's depository;

(3) Checks, negotiable orders of withdrawal, money orders, cashier's checks, and certified checks that are payable in Washington state and drawn on financial institutions located in Washington state; or

(4) Checks, negotiable orders of withdrawal, money orders, and any other item that has been finally paid as described in RCW 62A.4-213 before any disbursement; or

(5) Any depository check, including any cashier's check, certified check, or teller's check, which is governed by the provisions of the Federal Expedited Funds Availability Act, 12 U.S.C. ((400/(Sec. 4001))) Sec. 4001 et seq.

The word 'item' means any instrument for the payment of money even though it is not negotiable, but does not include money.

Violation of this section shall subject an escrow agent to penalties as prescribed in Title 9A RCW and remedies as provided in chapter 19.86 RCW and shall constitute grounds for suspension or revocation of the registration or license of any certified escrow agent.

NEW SECTION, Sec. 2. A new section is added to chapter 62A.3 RCW to read as follows:

No person may record the number of a credit card given as identification under RCW 62A.3-505(1)(b) or given as proof of credit worthiness when payment for goods or services is made by check or draft. Nothing in this section prohibits the recording of the number of a credit card given in lieu of a deposit to secure payment in the event of a default, loss, damage, or other occurrence."

In line 1 of the title, after "checks;" strike the remainder of the title and insert "amending RCW 18.44.070; and adding a new section to chapter 62A.3 RCW."

Signed by Senators von Reichbauer, Warnke, Johnson; Representatives Delliwo, Zellinsky, Schmidt.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute Senate Bill No. 5340 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred SENATE BILL NO. 6408, adopting the supplemental transportation budget, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

All previous amendments be rejected, and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Motor Vehicle Fund—County Arterial Preservation Account	\$	12,400,000
Motor Vehicle Fund—Rural Arterial Trust Account Appropriation	\$	((24,155,072))
		31,071,072
Motor Vehicle Fund Appropriation	\$	((999,551))
		1,154,051
Total Appropriation	\$	((25,154,623))
		44,625,123

The appropriations in this section are subject to the following conditions and limitations:

(1) \$28,050 of the motor vehicle fund—state appropriation is provided solely for one time costs associated with the county road administration board director's retirement.

(2) \$126,450 of the motor vehicle fund and \$16,000 of the rural arterial trust account is provided for costs associated with office relocation of the county road administration board.

Sec. 1. Section 5, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund—Transportation Improvement Account		41,300,000
Motor Vehicle Fund—Urban Arterial Trust Account Appropriation	\$	50,976,600
Total Appropriation	\$	92,276,600

The urban arterial trust account appropriation includes \$28,000,000 from the proceeds of the sale of Series III Urban Arterial bonds provided for by RCW 47.26.420 through 47.26.427.

Sec. 2. Section 6, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL—FIELD OPERATIONS BUREAU

General Fund Appropriation	\$	((300,000))
		300,600
General Fund—Public Safety Education Account Appropriation—		
State	\$	1,000,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation—State	\$	((110,590,369))
		110,054,369
Motor Vehicle Fund—State Patrol Highway Account Appropriation—Federal	\$	2,965,228
Motor Vehicle Fund Appropriation	\$	392,989
Total Appropriation	\$	((114,340,586))
		114,713,186

The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund—state patrol highway account—state appropriation in this section includes \$1,969,889 for twenty-eight additional traffic troopers. The twenty-eight officers shall begin training on February 1, 1990.

(2) \$297,973 is appropriated from the state patrol highway account—state solely for the replacement of trooper weapons. The weapons being replaced will be disposed of at fair market value in accordance with department of general administration's surplus property

procedures and in compliance with office of financial management regulations. Officers may purchase their service revolvers at the fair market value.

((4)) (3) \$300,000 from the state patrol highway account—state appropriation and \$300,000 from the general fund appropriation is appropriated solely for the investigation of vehicle license fraud. The Washington state patrol, department of revenue, and the office of financial management shall report semiannually beginning December 15, 1989, to the legislative transportation committee on the number of fraud cases investigated and their outcome.

((5)) (4) \$821,000 of the motor vehicle fund—state patrol highway account—state appropriation ((in this section includes \$1,571,000)) and \$1,000,000 of the public safety education account—state appropriation in this section is provided for the safety education program.

((6)) (5) The motor vehicle fund—state patrol highway account—state appropriation in this section includes \$591,630 for five tow truck inspectors.

((7)) (6) The motor vehicle fund—state patrol highway account—state appropriation includes \$591,120 for the Vehicle Identification Number Program and \$1,303,700 for 15 additional commercial vehicle officers.

NEW SECTION. Sec. 3. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

\$250,000 is appropriated from the state patrol highway account—state to the field operations bureau of the Washington state patrol solely for aircraft replacement. Any user of Washington state patrol aircraft shall pay its pro rata share of all operating and maintenance costs including capitalization.

Sec. 4. Section 7, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL—SUPPORT SERVICES BUREAU

General Fund—State	\$	41,500
Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$	((48,210,204))
Total Appropriation	\$	48,470,304
		48,511,804

The appropriations in this section ((s)) are subject to the following conditions and limitations:

(1) \$2,205,285 is provided solely for development of the third and final phase of the patrol information collection system. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 63, chapter 6, Laws of 1989 1st ex. sess.

(2) \$2,463,000 is provided solely for the purchase of mobile radios for troopers' vehicles.

(3) \$40,900 of the general fund—state appropriation is provided for the cost accounting project. If this appropriation is contained in the 1990 general fund omnibus appropriations act, the appropriation in this section shall lapse.

(4) The office of financial management and the Washington state patrol shall develop a specific proposal for establishing an equipment revolving account beginning with the 1991-93 biennium. The account shall, at a minimum, be used for the maintenance and replacement of all vehicles including pursuit cars, staff cars, vans, and trucks. The proposal shall assess the feasibility of including mainframe computer equipment and aircraft in the revolving account. The agencies shall report to the legislative transportation committee by August 1, 1990, on their recommendations on the establishment of the revolving account.

NEW SECTION. Sec. 5. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

The moneys appropriated to the Washington state patrol in this act shall not be used for relocation of headquarters personnel currently housed within the general administration building.

Sec. 6. Section 9, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—VEHICLE SERVICES

Motor Vehicle Fund Appropriation	\$	((32,607,339))
		34,331,339
General Fund—Wildlife Account Appropriation	\$	421,186
Total Appropriation	\$	((33,028,525))
		34,752,525

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(1,536,900))~~ 2,266,900 of the motor vehicle fund appropriation is provided solely for the completion of the county auditor automation project. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 63, chapter 6, Laws of 1989 1st ex. sess. It is the intent of the legislature that if by December 31, 1990, the Hewlett-Packard Company has not demonstrated the performance levels specified in the February 15, 1990, agreement between the department of licensing and the Hewlett-Packard Company (or in any amendments thereto mutually agreed to by the contracting parties), Hewlett-Packard shall at its sole cost and expense either:

(a) Provide to the department and install an additional system, capable of supporting two thousand two hundred transactions per hour and meeting the required response times, together with all necessary software to operate the system and integrate the system into CAAP; or

(b) Upgrade two or more of the four then-existing systems as necessary to achieve those performance standards.

(2) The department shall create an advisory committee to examine the current processes and costs for issuing vehicle titles, registrations, and other vehicle documentation. Membership on the committee shall include the director as chairperson and appropriate departmental personnel and representatives of county auditors, subagents, county executives, and county council members/commissioners. By ~~((June 30, 1990))~~ January 10, 1991, the advisory committee shall report to the legislative transportation committee as follows: (a) An analysis of the costs and benefits accruing annually to county auditors and subagents as a result of vehicle licensing activities; (b) analysis and recommendations of an appropriate allocation of on-going operating and maintenance county auditor automation project costs among the department, county auditors, and subagents; (c) the committee, in consultation with the information systems division of the department, the office of financial management, and the department of information services shall address the issue of future system requirements and how the costs associated with such requirements should be shared between the department, county auditors, and subagents; and (d) an analysis of the costs and benefits associated with the alternative of having all vehicle licensing activities conducted solely within the department, and an analysis of other alternatives recommended by the advisory committee.

~~((4))~~ (3) \$374,656 of the motor vehicle fund appropriation is provided solely for the front license tab program.

~~((5))~~ (4) \$46,609 of the motor vehicle fund appropriation is provided solely for the implementation of Engrossed House Bill No. 1645, regulating the relationship between motor vehicle dealers and manufacturers.

(5) \$329,000 of the motor vehicle appropriation as provided solely for implementing the odometer disclosure act. If Substitute Senate Bill No. 6560 is not implemented by June 30, 1990, this appropriation is null and void.

(6) \$550,000 of the motor vehicle fund—state appropriation provided for in this section is for implementation of the comprehensive 1990 transportation revenue bill. Transfer of any portion of this appropriation to the information services division is permitted.

Sec. 7, Section 10, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

General Fund—Public Safety and Education Account Appropria- tion	\$	3,412,942
Highway Safety Fund Appropriation	\$	((35,321,479)) 35,674,479
Highway Safety Fund—Motorcycle Safety Education Account Appropriation	\$	1,037,499
Total Appropriation	\$	((39,771,920)) 40,124,920

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((557,878))~~ 700,870 of the highway safety fund appropriation is provided for establishing ~~((two))~~ three new driver license examining offices.

(2) \$207,000 of the highway safety fund—motorcycle safety education account appropriation is provided solely for implementing the motorcycle public awareness program provided for in Engrossed Senate Bill No. 6076.

Sec. 8, Section 11, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—MANAGEMENT OPERATIONS

General Fund—Wildlife Account Appropriation	\$	7,238
Highway Safety Fund—Motorcycle Safety Education Account Appropriation	\$	2,747
Highway Safety Fund Appropriation	\$	((7,027,608)) 7,160,684
Motor Vehicle Fund Appropriation	\$	((3,378,999)) 3,570,519
General Fund—Public Safety and Education Account Appropria- tion	\$	((611,678)) 623,975
General Fund—State	\$	55,000
Total Appropriation	\$	((11,025,523)) 11,420,163

\$55,000 of the general fund—state appropriation is provided solely for the cost allocation project. If this appropriation is contained in the 1990 general fund omnibus appropriation act, the appropriation in this section shall lapse.

Sec. 9. Section 12, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—INFORMATION SYSTEMS		
General Fund—Wildlife Account Appropriation	\$	((4,041)) 229,015
General Fund—State	\$	14,000
<u>Highway Safety Fund—Motorcycle Safety Education Account</u>		
Appropriation	\$	700
Highway Safety Fund Appropriation	\$	((4,015,059)) 3,639,012
Motor Vehicle Fund Appropriation	\$	((15,191,175)) 14,374,819
General Fund—Public Safety and Education Account Appropria- tion	\$	((390,162)) 390,001
Total Appropriation	\$	((20,466,437)) 18,647,547

\$14,000 of the general fund appropriation is provided solely for the revenue accounting feasibility study. If this appropriation is contained in the 1990 omnibus general fund appropriations act, the appropriation in this section shall lapse.

NEW SECTION. Sec. 10. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

\$728,000, of which \$364,000 is from the motor vehicle fund and \$364,000 is from the highway safety fund, is appropriated to the information services division of the department of licensing and is provided solely for the development of a project feasibility study exclusively for the integration of driver and motor vehicle systems. The feasibility study provided for in this section shall study only alternative computer applications and hardware that are currently in use in other states. The plan shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services, by February 1, 1991. Authority to expend these moneys is conditioned upon compliance with the requirements set forth in section 63 of chapter 6, Laws of 1989 1st ex. sess.

Sec. 11. Section 13, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE		
High Capacity Transportation Account	\$	750,000
Motor Vehicle Fund Appropriation	\$	((2,525,000)) 2,602,000
Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$	100,000
Total Appropriation	\$	((2,525,000)) 3,452,000

The appropriations contained in this section are subject to the following conditions and limitations:

(1) ~~\$((50,000))~~ 127,000 of the motor vehicle fund appropriation, or as much thereof as is needed, is provided for a study of gasoline pricing and supply practices to be conducted in conjunction with the Washington state energy office. The state energy office shall create and maintain a data base on petroleum pricing.

(2) \$75,000 of the motor vehicle fund appropriation is provided solely for the study mandated in section 14 of chapter 6, Laws of 1989 1st ex. sess.

(3) The motor vehicle fund—state patrol highway account appropriation provided for in this section is for a survey of ~~((local))~~ law enforcement compensation and to develop a trooper deployment model.

(4) \$750,000 of the high capacity transportation account appropriation provided for in this section is for an independent comprehensive study of public transportation to address organization, efficiency, effectiveness, and funding. The study shall address, but not be limited to:

(a) The roles and benefits of transit and paratransit in various areas of the state;
 (b) The effectiveness and efficiency of public transportation efforts including utilization, cost of service, growth management strategies, environmental factors, and financial support;

(c) A specific component addressing the unmet transportation needs of persons with disabilities, and elderly, minority, or other transportation-disadvantaged persons; and

(d) The state's role in public transportation including provision and coordination of transportation services for current and potential participants in state and/or federally supported programs, financing and oversight.

The study shall be completed by September 30, 1991, and the results, including any recommendations for changes to existing statutes, reported to the legislative transportation committee, the governor, and the state transportation commission.

(5) From the appropriation provided for in section 26 of this act, a study is to be performed in conjunction with the office of financial management, the transportation commission, the department of transportation, public transportation agencies, and cities and counties on the programming and prioritization of transportation projects and services.

The study shall include, but not be limited to, analyses and recommendations regarding:

(a) Established state and local program priorities, prioritization processes, and their ability to address current transportation problems;

(b) State and local design and service standards;

(c) Investment in traffic management alternatives and other nonconstruction approaches;
and

(d) Effective intermodal and interjurisdictional planning and coordination of programs.

The study shall be completed by September 1991.

(6) From the appropriation provided for in section 26 of this act, a cost responsibility study is to be performed in conjunction with the office of financial management, the transportation commission, the department of transportation, public transportation agencies, and cities and counties. The cost responsibility study shall include but not be limited to analysis and recommendations regarding:

(a) Damage to, use of, and benefit from the state's transportation systems;

(b) Whether the users and beneficiaries of the state's transportation systems are paying an appropriate share of the costs; and

(c) Alternative methods of cost recovery and taxation including user and beneficiary based methods.

The study shall be completed by July 1, 1992.

NEW SECTION. Sec. 12. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE AIR TRANSPORTATION COMMISSION

General Fund—State	\$	275,000
Transportation Fund	\$	275,000
Total Appropriation	\$	550,000

The appropriations in this section shall lapse if sections 40 through 44 of this act are not also enacted.

Sec. 13. Section 16, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

General Fund—Aeronautics Account Appropriation	\$	1,184
General Fund Appropriation	\$	2,269
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation	\$	31,349
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation	\$	53,160
Motor Vehicle Fund Appropriation	\$	((425,024))
		625,024
Total Appropriation	\$	((512,986))
		712,986

\$200,000 of the motor vehicle fund appropriation is provided for an innovations unit. The staff of the unit shall include an expert in emerging transportation technologies. The transportation commission shall submit a report by January 1, 1991, to the legislative transportation committee showing a detailed organization and work plan for the unit, and projected expenditures for the 1991-93 biennium.

Sec. 14. Section 17, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM

Motor Vehicle Fund Appropriation—State	\$	((124,000,000))
		125,100,000
Motor Vehicle Fund Appropriation—Federal	\$	80,000,000
Motor Vehicle Fund Appropriation—Local	\$	2,000,000
Total Appropriation	\$	((206,000,000))
		207,100,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category 'A' under RCW 47.05.030.

(2) \$80,000 of this appropriation is provided solely for studies to identify means of mitigating the environmental effects of SR 520 on neighboring communities.

(3) Any study of east-west corridors across or in the vicinity of Lake Washington shall be conducted in a manner consistent with the regional high occupancy vehicle strategic plan.

(4) \$300,000 of this appropriation is provided solely for safety improvements to the first avenue south bridge.

(5) \$250,000 of the motor vehicle fund—state appropriation is provided solely for advanced planning, in conjunction with state and local growth management efforts.

(6) The motor vehicle fund—state appropriation contains \$1,100,000 for preliminary engineering and geotechnical investigations for an alternate route to state route 4 between Longview and Cathlamet.

Sec. 15. Section 19, chapter 6, Laws of 1989 1st ex. sess (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C

Motor Vehicle Fund Appropriation—State	\$	((34,750,000))
		89,750,000
Motor Vehicle Fund Appropriation—Local	\$	1,000,000
Total Appropriation	\$	((35,750,000))
		90,750,000

(1) ((35,000,000 of the appropriations in this section are provided solely for the completion of category C projects currently under construction.

(2)) The motor vehicle fund—state appropriation includes up to \$((1,000,000)) 6,000,000 of bond proceeds carried forward from the 1987-89 biennium and \$33,000,000 of bond proceeds authorized in RCW 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

((3) The department of transportation shall, by December 31, 1989, provide the legislative transportation committee with a report identifying the impact of the reduced category C funding contained in this act on all other departmental 1989-91 appropriations by program. The report shall contain, but not be limited to, personnel reductions actually implemented as of the date of this report and also projected reductions for the 1989-91 and 1991-93 biennia.

(4)) (2) Up to \$750,000 of this appropriation is provided to the department of transportation solely to fund the state's fifty percent share of the cost of a study, led by the city of Seattle, including a conceptual layout plan through the design report processes on Seattle's first avenue south bridge. The department of transportation shall report the findings of the current study underway by the city of Seattle, King county, and the port of Seattle, and the findings of the draft environmental impact study, to the legislative transportation committee before proceeding with design work for the first avenue south bridge other than that necessary for the environmental impact statement.

(3) \$5,000,000 of the motor vehicle fund—state appropriation is provided solely for preliminary engineering and right of way acquisition for state highway projects designated as special category C under RCW 47.05.030 and chapter 46.68 RCW. The projects shall include the first avenue south bridge in Seattle, SR 18 from Auburn to I-90, and the north/south corridor in Spokane. It is the intent of the legislature that funding provided under the special category C program for the 1st avenue south bridge shall not be jeopardized by expenditures for any other special category C project.

((5)) (4) Nothing in this section precludes the department from completing engineering on projects when such engineering costs are being provided by local government or private sources.

Sec. 16. Section 20, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND FACILITIES—PROGRAM D

Motor Vehicle Fund Appropriation	\$	58,608,867
Motor Vehicle Fund—Transportation Capital Facilities Account		
Appropriation	\$	((1,000,000))
		17,000,000
Total Appropriation	\$	((59,608,867))
		75,608,867

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the motor vehicle fund appropriation is provided solely for a capital facilities management system.

(2) ((If House Bill No. 1467 is not enacted by June 30, 1989, the motor vehicle fund—transportation capital facilities account appropriation shall lapse, and the motor vehicle fund appropriation shall increase by \$1,000,000)) \$15,000,000 of the motor vehicle fund—transportation capital facilities account appropriation is provided solely for the acquisition of headquarters facilities for district 1 of the department and costs incidental thereto, together with all improvements and equipment required to make the facilities suitable for the department's use.

(3) \$1,000,000 of the motor vehicle fund—transportation capital facilities account appropriation is provided solely for the operation of the new district 1 headquarters facilities.

NEW SECTION. Sec. 17. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSFER

Motor Vehicle Fund: For transfer to the Transportation Capital Facilities Account \$ 15,000,000

The appropriation transfer in this section is provided as a loan to the transportation capital facilities account for the initial financing of the acquisition of headquarters facilities for district 1 of the department. This loan shall be repaid from proceeds from the sale of bonds authorized under chapter ____, Laws of 1990 (Senate Bill No. 6897), without the necessity of further legislative appropriation: PROVIDED, That the amount of the transfer shall not exceed actual expenditures for the acquisition of the headquarters facilities and improvements and equipment required to make the facilities suitable for the department's use.

Sec. 18. Section 24, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—NONINTERSTATE BRIDGES—PROGRAM H

Motor Vehicle Fund Appropriation—State	\$	(26,666,666)
		26,637,000
Motor Vehicle Fund Appropriation—Federal	\$	33,000,000
Motor Vehicle Fund Appropriation—Local	\$	1,000,000
Total Appropriation	\$	(66,666,666)
		60,637,000

The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. The appropriations in this section are subject to the following conditions and limitations:

(1) \$220,000 of the appropriation provided for in this section shall be used exclusively for the first avenue south bridge.

(2) \$125,000 of the motor vehicle fund—state appropriation is provided solely for a Longview bridge feasibility study which shall include soils investigation, alignment considerations, bridge alternate designs, and cost estimates.

(3) \$125,000 of the motor vehicle fund—state appropriation is provided solely for a feasibility study of the state route No. 99 bridge over the Skagit river between Mt. Vernon and Burlington, which shall include soils investigation, alignment considerations, bridge alternate designs, and cost estimates.

(4) \$387,000 of the motor vehicle fund—state appropriation is provided solely to fund the removal of the toll booths on the Spokane river toll bridge and for preliminary engineering work on the deck resurfacing of the Spokane river toll bridge.

Sec. 19. Section 25, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE AND OPERATIONS—PROGRAM M

Motor Vehicle Fund Appropriation—State	\$	(191,946,666)
		191,872,680
Motor Vehicle Fund Appropriation—Local	\$	69,161
Total Appropriation	\$	(192,015,841)
		191,941,841

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle fund—state appropriation is provided solely for snow and ice removal activities in excess of \$33,800,000. The excess moneys are to be matched with reprioritized maintenance funds of twenty-five percent of the total needed over \$33,800,000 until the \$1,500,000 is matched. The legislative transportation committee must be notified if the resulting total of \$35,800,000 is exceeded.

(2) If actual and projected expenditures for public damage repair exceed amounts presumed in the maintenance work plan as submitted in the budget request to the house of representatives and senate transportation committees, supplemental relief will be sought.

(3) (If Engrossed House Bill No. 1502, adjusting vehicle permit fees, is enacted by June 30, 1989, the motor vehicle fund—state appropriation is reduced by \$164,000) \$90,000 of the motor vehicle fund—state appropriation is provided solely for maintenance on the Spokane river bridge.

Sec. 20. Section 26, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—SALES AND SERVICES TO OTHERS—PROGRAM R

Motor Vehicle Fund Appropriation—State	\$	(2,273,666)
		2,023,000
Motor Vehicle Fund Appropriation—Federal	\$	68,000,000
Motor Vehicle Fund Appropriation—Local	\$	6,869,000
Total Appropriation	\$	(77,142,666)
		76,892,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations contain ~~\$(356,000)~~ 1,000,000 of state funds for expenditure in accordance with RCW 47.56.720 (Puget Island—Westport Ferry—Payments for operation and maintenance to Wahkiakum county).

(2) ~~(The appropriations contain \$900,000 of state funds for the guarantee, pursuant to RCW 47.56.712, of the payment of principal and interest on the Spokane River toll bridge revenue refunding bonds as the bonds become due, but only to the extent that net revenues from the operation of the bridge are insufficient.~~

~~(3))~~ The appropriations contain \$400,000 of local funds to guarantee bond payments on the Astoria-Megler bridge pursuant to RCW 47.56.646.

Sec. 21, Section 28, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION—PROGRAM T

~~((For public transportation and rail programs:))~~

General Fund Appropriation—State	\$	((629,800)) 779,800
General Fund Appropriation—Federal/Local	\$	5,466,819
<u>High Capacity Transportation Account—General Fund—State</u> <u>Appropriation</u>	\$	<u>4,603,000</u>
((For planning and research:))		
Motor Vehicle Fund Appropriation—State	\$	((8,637,774)) 10,357,774
Motor Vehicle Fund Appropriation—Federal	\$	10,463,549
<u>Puget Sound Ferry Operations Account—Motor Vehicle Fund—</u> <u>State Appropriation</u>	\$	<u>25,000</u>
<u>Puget Sound Capital Construction Account—Motor Vehicle</u> <u>Fund—State Appropriation</u>	\$	<u>25,000</u>
<u>Transportation Fund</u>	\$	<u>150,000</u>
Total Appropriation	\$	((33,759,081)) 31,870,942

The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund—state appropriation may be increased by up to \$1,500,000 in the event federal funds are not available to fully fund the motor vehicle fund—federal appropriation in this section, subject to legislative transportation committee notification. If additional federal funds become available to more than fully fund the motor vehicle fund—federal appropriation in this section, the department may transfer up to \$600,000 from the motor vehicle fund—state appropriation to the motor vehicle fund—federal appropriation.

(2) \$892,852 of the motor vehicle fund—state appropriation is provided for interstate 4-R and route planning studies.

(3) \$115,126 of the motor vehicle fund—state appropriation is provided for traffic analysis studies.

(4) \$50,000 of the motor vehicle fund—state appropriation and \$50,000 of the general fund—state appropriation is provided solely for one additional full-time employee to implement the requirements set forth in Engrossed House Bill No. 1438.

(5) The high capacity transportation account appropriation is subject to the following conditions and limitations:

(a) ~~\$(6,801,793)~~ 3,400,000 or as much thereof as may be necessary may be expended to provide up to eighty percent matching assistance for regional ~~((passenger-rail))~~ high capacity transportation planning efforts:

(b) ~~((9500,000 or as much thereof as may be necessary))~~ Up to \$250,000 may be expended to determine ways of improving Amtrak service including coordination and planning efforts within the state:

(c) ~~\$(833,346)~~ 220,000 or as much thereof as may be necessary may be expended for ~~((passenger-rail))~~ high capacity transportation program administration ~~((and for independent review of passenger rail plans));~~ ~~((and))~~

(d) ~~\$(426,000)~~ 233,000 or as much thereof as may be necessary may be expended for freight rail program administration ~~((:));~~ and

(e) Up to five hundred thousand dollars is provided solely for the purpose of funding administration and activities of the high capacity transportation expert review panel appointed in 1989 by the chair of the legislative transportation committee, the governor, and the secretary of transportation.

(6) Up to \$150,000 of the general fund—state appropriation and \$150,000 of the transportation fund appropriation is provided solely for an update to the 1985 port system study. The study shall assess the state's transportation system as it relates to international trade and economic development. The study shall be managed by the Washington public ports association. The study shall be completed by December 31, 1990.

(7) \$20,000 of the motor vehicle fund—state appropriation is provided solely for a study of the Hood river toll bridge which shall include an analysis of the origin and destination of trips and traffic volumes.

(8) \$1,700,000 of the motor vehicle fund—state appropriation is provided for regional transportation planning as authorized by House Bill No. 2929. This appropriation shall be allocated as follows:

(a) A maximum total of \$341,250 will be allocated to lead planning agencies, based on \$8,750 per county for each county within a regional transportation planning organization;

(b) A maximum of \$1,258,750 will be allocated to lead planning agencies on a per capita basis; and

(c) \$100,000 for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

Any funds not allocated under subsection (a) or (b) of this subsection shall be available for the discretionary grant program under (c) of this subsection.

The appropriation provided for in this subsection shall lapse if House Bill No. 2929 is not enacted by June 30, 1990.

(9) Up to \$25,000 of the Puget Sound capital construction account appropriation and up to \$25,000 of the Puget Sound ferry operations account appropriation is provided to review the economic impact of the Anacortes/San Juan/Sydney route on the state of Washington, the San Juan Islands, and surrounding communities, including the related impact on the future vessel acquisition plan. The study shall also determine the type and nature of the financial arrangement for a British Columbia terminal, if warranted. The findings and recommendations of such study shall be presented to the legislative transportation committee by December 1, 1990.

Sec. 22. Section 29, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

Motor Vehicle Fund Appropriation	\$	(10,607,946)
		10,898,946

The appropriation in this section is to provide for costs billed to the department for the services of other state agencies as follows:

(1) Archives and records management, ~~\$(216,666)~~ 231,000;

(2) Attorney general tort claims support, \$5,141,946;

(3) Office of the state auditor audit services, ~~\$(731,666)~~ 821,000;

(4) Department of general administration facilities and services charges, ~~\$(1,946,666)~~ 2,132,000; and

(5) Department of personnel services, \$2,573,000.

Sec. 23. Section 30, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE CONSTRUCTION—PROGRAM W

Motor Vehicle Fund—Puget Sound Capital Construction Account		
Appropriation—State	\$	(98,930,466)
		99,841,400

Motor Vehicle Fund—Puget Sound Capital Construction Account		
Appropriation—Federal	\$	14,200,000
Total Appropriation	\$	((113,130,466))
		114,041,400

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided to carry out only the projects presented to the governor and the house of representatives and senate transportation committees in the department of transportation's 1989-91 biennial budget request dated March, 1989 and as amended by the department's supplemental budget request. The department of transportation shall revise these projects to reconcile them with the 1987-89 actual expenditures within sixty days of the beginning of the biennium.

(2) The Puget Sound capital construction account—state appropriation in this section contains \$15,000,000 of state funds transferred as a loan from the Puget Sound ferry operations account. Repayment to the Puget Sound ferry operations account from the Puget Sound capital construction account shall begin in the 1993-95 biennium.

(3) The Puget Sound capital construction account—state appropriation (~~(of \$100,300,000)~~) includes \$20,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(4) The Puget Sound capital construction account—state appropriation contains up to \$100,000 which shall be used in conjunction with funds provided by the legislative transportation committee to study and recommend a means for financing the future purchases of any required auto ferry vessel(s): PROVIDED, That the results of this joint study shall be presented to the governor and the house of representatives and senate transportation committees prior to December 31, 1989.

(5) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of the capital program authorized in this section.

(6) Up to \$791,000 may be expended for passenger only terminal construction at Coleman dock in Seattle.

(7) \$120,000 of the Puget Sound capital construction account is provided solely for work at the Sidney terminal.

Sec. 24. Section 31, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X
 Ferry System Fund Appropriation \$ ~~(+67,808,589)~~ 176,651,729

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of ~~\$(+19,643,764)~~ 20,814,327 for vessel operating fuel in the 1989-91 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount shall not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) In the event that revenues available to the ferry system fund are not sufficient to support the expenditures necessary for the operation and maintenance of the state ferry system as authorized in this section, the department may transfer funds from the Puget Sound ferry operations account to the ferry system fund.

(3) The appropriation contained in this section provides for the compensation of ferry employees, including increases. The expenditures for compensation paid to ferry employees during the 1989-91 biennium shall not exceed ~~\$(+10,842,958)~~ 115,999,901 plus a dollar amount, as prescribed by the office of financial management, which is equal to any insurance benefit increase granted general government employees in excess of \$224.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for salary increases during the 1989-91 biennium, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges and cost of living allowances. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure 'A' and 'B' (7.2.6.2). Of the ~~\$(+10,842,958)~~ 115,999,901 provided for compensation, plus the prescribed insurance benefit, pension, and salary increase dollar amount:

(a) The maximum dollar amount which shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and may be used in conjunction with \$19,794 to increase compensation costs, effective January 1, 1990;

(b) The prescribed insurance benefit increase dollar amount which shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used in conjunction with \$40,046 to increase compensation costs, effective July 1, 1989;

(c) The maximum dollar amount which shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and shall be used to maintain any 1989-90 compensation increase and may be used in conjunction with \$247,242 to increase compensation costs, effective January 1, 1991.

In no event may the June 30, 1990, hourly salary rate increase exceed any average hourly salary rate increase granted during the 1989-90 fiscal year.

In no event may the June 30, 1991, hourly salary rate increase exceed any salary rate increase granted during the 1990-91 fiscal year.

(4) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of the operating program authorized in this section.

(5) The appropriation in this section contains ~~\$(+600,000)~~ 1,303,000 which shall be expended only to complete the marine division payroll/personnel integration project.

(6) The transportation commission shall propose to the legislative transportation committee a reporting structure that reflects the respective operating expenditures and revenues supporting each of the vessel routes by December 31, 1989. The proposed reporting structure should be tied to existing accounting data and should provide the legislature adequate information to examine the tax subsidy required to support the operation of the various routes.

(7) \$130,000 of this appropriation is provided solely for rent and maintenance increases for terminal property at Sidney, British Columbia.

(8) The appropriation in this section provides for passenger only service between Bremerton and Seattle, and Vashon Island and Seattle.

Sec. 25. Section 32, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—STATE AID—PROGRAM Z

Motor Vehicle Fund Appropriation—State	\$	((6,456,591)) 8,456,591
Motor Vehicle Fund Appropriation—Federal	\$	106,615,693
Motor Vehicle Fund Appropriation—Local	\$	18,557,000
Total Appropriation	\$	((131,629,284)) 133,629,284

(1) The appropriations in this section include \$7,000,000 from the motor vehicle fund—federal for transportation expenditures related to the United States navy home port in Everett.

(2) The appropriations contain \$309,000 of state funds from the proceeds of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951; chapter 311, Laws of 1955; and chapter 121, Laws of 1965 for reimbursable expenditures on cooperative projects authorized by state or federal laws.

(3) \$~~((3,666,666))~~ 5,000,000 of the motor vehicle fund—state appropriation, or as much thereof as may be required, is provided for studies that are mutually beneficial to cities, counties and the state department of transportation, including the continuation of the road jurisdiction study (~~and~~), the project cost evaluation methodology study, and the studies provided in section 12 (5) and (6) of this act.

Sec. 26. Section 36, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FOR PAYMENT OF BELATED CLAIMS

Motor Vehicle Fund Appropriation	\$	((5,000,000)) 3,000,000
Puget Sound Ferry Operations Account Appropriation	\$	100,000
Total Appropriation	\$	((5,100,000)) 3,100,000

Sec. 27. Section 56, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

~~((Program through design development:))~~ Washington State Patrol headquarters (90-2-040)

St Patrol Hiway Acct	Reappropriation	Appropriation ((100,000)) <u>250,000</u>
Project Costs Through 6/30/89	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs 24,000,000

The appropriation in this section includes \$150,000 for a feasibility study for the state patrol headquarters building. The scope of work is to include funding methodology, the maximum building density for the site and space utilization for the state patrol, department of transportation, and department of licensing for the property bounded by Maple Park, Jefferson, and 14th streets in the city of Olympia.

The study is to be coordinated by the Washington state patrol, in cooperation with the office of financial management, the department of general administration, and the legislative transportation committee.

Sec. 28. Section 64, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

By July 1, ~~((1990))~~ 1991 the department of transportation shall take actions necessary to ensure that the safety requirements for work places in the state ferry system, whether within the navigable waters subject to the jurisdiction of the state of Washington or the United States, conform, at a minimum, with the employee safety and health regulations adopted by the department of labor and industries pursuant to chapter 49.17 RCW.

Sec. 29. Section 65, chapter 6, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

Effective June 1, 1991, counties with a population of 50,000 or more and cities with a population of 8,000 or more receiving moneys provided in this act shall have adopted a local comprehensive plan prior to the receipt of such funds. The plan shall include a coordinated system of growth planning and strategies and shall take into consideration any state and regional planning efforts, including but not limited to, the rail development commission report, road jurisdiction study, department of transportation policy plan, and the Washington state economic development board. Cities and towns must adopt a comprehensive plan under chapter 35.63 or 35A.63 RCW or under the authority of its charter where applicable. Counties must adopt a comprehensive plan under chapter 35.63 or 36.70 RCW or under the authority of its

own charter where applicable. The plans adopted by cities, towns, and counties shall be submitted, upon adoption, to the office of financial management and the department of transportation.

NEW SECTION. Sec. 30. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

\$100,000 is appropriated from the motor vehicle fund solely for the motor fuel quality testing program provided for in Engrossed Substitute House Bill No. 1450. If Engrossed Substitute House Bill No. 1450 is not enacted by June 30, 1990, the allocation provided for in this section shall lapse.

NEW SECTION. Sec. 31. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE TRAFFIC SAFETY COMMISSION

\$70,000 from the transportation fund is appropriated to the traffic safety commission for a state bicycle coordinator. If ESSB No. 6434 is not enacted by June 30, 1990, this appropriation shall lapse.

NEW SECTION. Sec. 32. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

\$3,000,000 is appropriated from the general fund—state appropriation to the department of ecology to be distributed to local air pollution control authorities based upon the pro rata share of vehicle registrations within the authority's boundaries.

The appropriations shall be used for (1) monitoring air quality to help determine transportation-caused contributions to carbon monoxide, particulates, ozone, and toxic air pollutants; (2) to support public health effects studies of transportation-caused pollution; (3) to create computer models to demonstrate transportation-caused air pollution effects and to formulate possible solutions; (4) establish a program for phase two recovery of fuel vapors; (5) enhance computer capacity to deal with data acquisition and storage, modeling and analysis of pollutant sources, and maintenance and analysis of air pollution source inventories; and (6) expansion of technical assistance to the regulated community and governments in order to assist in compliance with air pollution standards and to reduce the impact of transportation-caused air pollution. In areas of inactive air pollution control authorities, the department shall receive the funds and act in place of the inactive authority.

NEW SECTION. Sec. 33. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES
 Motor Vehicle Fund Appropriation \$ 2,200,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The sum of \$2,200,000, or as much thereof as may be necessary, is provided solely to retire or defease any outstanding bonds issued under RCW 47.56.711.

(2) This appropriation is not subject to the provisions of RCW 47.56.715.

NEW SECTION. Sec. 34. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

(1) Any public agency including but not limited to transit agencies, cities, counties, and the state department of transportation, awarded contracts from counties for the construction of high occupancy vehicle lanes and related facilities shall use such moneys in addition to, and not as a substitute for, moneys currently used, or planned to be used, for high occupancy vehicle lanes by the public agency receiving the award.

It is the intent of the Washington state legislature that construction of high occupancy vehicle lanes and related facilities shall be prioritized as follows:

(a) To accelerate construction of high occupancy vehicle lanes on the interstate highway system, as well as related facilities;

(b) To finance or accelerate construction of high occupancy vehicle lanes on the noninterstate state highway system, as well as related facilities; and

(c) To finance construction of high occupancy vehicle lanes on local arterials, as well as related facilities.

(2) Cities, counties, transit agencies, and the state department of transportation having within their boundaries a portion of the existing or planned high occupancy vehicle system as contained in the regional transportation plan, shall coordinate programming and operational decisions affecting the high occupancy vehicle system.

NEW SECTION. Sec. 35. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

The department of transportation shall work toward implementing the recommendations of the governor's efficiency and accountability commission on activities relating to communication and additional public information resources and report their progress to the legislative transportation executive committee by June 30, 1990.

NEW SECTION. Sec. 36. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

The new taxes distributed in section 103, chapter ... (ESSB No. 6358), Laws of 1990 shall be subject to the provisions in RCW 46.68.110 and 46.68.120.

Sec. 37. Section 504, chapter ... (ESSB 6358), Laws of 1990 (uncodified) is amended to read as follows:

(1) Sections 101 through 104, 115 through 117, 201 through 214, 405 through 411, and 503, chapter ... (ESSB 6358), Laws of 1990 are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect April 1, 1990.

(2) Sections 105 through 114, chapter ... (ESSB 6358), Laws of 1990 shall take effect September 1, 1990. The additional fees in sections 105 through 108, chapter ... (ESSB 6358), Laws of 1990 apply for all motor vehicle registrations that expire August 31, ((1992)) 1991, and thereafter.

(3) Sections 301 through 303 and 305 through 328, chapter ... (ESSB 6358), Laws of 1990 shall take effect September 1, 1990, and apply to the purchase of vehicle registrations that expire August 31, 1991, and thereafter.

(4) Section 304, chapter ... (ESSB 6358), Laws of 1990 shall take effect July 1, 1991, and apply to all vehicles registered for the first time with an expiration date of June 30, 1992, and thereafter.

(5) The director of licensing may immediately take such steps as are necessary to ensure that the sections of chapter ... (ESSB 6358), Laws of 1990 are implemented on their effective dates.

(6) Sections 401 through 404, chapter ... (ESSB 6358), Laws of 1990 shall take effect September 1, 1990, only if the bonds issued under RCW 47.56.711 for the Spokane river toll bridge have been retired or fully defeased, and shall become null and void if the bonds have not been retired or fully defeased on that date.

NEW SECTION. Sec. 38. The legislature finds that with the increase in air traffic operations, combined with the projections for the rapid expansion of these operations in both the short and the long term, concerns regarding the environmental, health, social, and economic impacts of air traffic are increasing as well. The legislature also finds that advancing Washington's position as a national and international trading leader is dependent upon the development of a highly competitive, state-wide passenger and cargo air transportation system. Therefore, there is an obvious need for improved coordination of local, federal, and state efforts to develop state-wide air transportation policies to promote continued economic development and to mitigate the negative impacts of air traffic on surrounding communities.

The legislature seeks to provide for the comprehensive examination of air transportation issues, taking into consideration the data and conclusions of appropriate air traffic studies, including but not limited to those currently underway by various public ports of Washington, local jurisdictions, the department of transportation, and the Puget Sound Council of Governments.

It is the intent of the legislature to establish an air transportation commission, made up of persons interested in and affected by air transportation.

NEW SECTION. Sec. 39. (1) The air transportation commission is created to carry out the functions of this chapter. The commission shall consist of twenty-two voting members.

(2) The governor shall appoint nineteen members to represent the following interests:

(a) Four city representatives, who shall be elected city officials, with at least one from a small city or town affected by air traffic problems and one from a large city that is a member of the regional airport system study;

(b) Four county representatives, who shall be elected county officials, with at least one from a small county affected by air traffic problems, and one from a large county that is a member of the regional airport system study;

(c) Two citizens to represent the private sector, with one from western Washington and one from eastern Washington;

(d) Three as representatives from the airline industry;

(e) Two as representatives of the ports, one of whom shall represent a port located in a county of one million population or more;

(f) The governor or a designee;

(g) A representative from the SeaTac noise mediation project;

(h) A representative from an eastern Washington metropolitan planning organization; and

(i) A representative from a western Washington metropolitan planning organization.

(3) The remaining three members shall be:

(a) The secretary of transportation or a designee;

(b) The assistant secretary of the division of aeronautics of the department of transportation; and

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

(4) The chair of the legislative transportation committee shall appoint four members of the legislature to serve as nonvoting members of the commission.

(5) The manager of the Seattle airports division, northwest region of the federal aviation administration shall serve as a nonvoting member.

NEW SECTION, Sec. 40. The commission shall conduct studies to determine Washington's long-range air transportation policy, including an assessment of intermodal needs, and to assess the impacts of increasing air traffic upon surrounding communities, including an evaluation of noise mitigation and surface transportation impacts at existing facilities, and the potential impact at new or expanded facilities.

The studies shall include, but are not limited to the following:

(1) The feasibility of acquiring the Stampede Pass rail line for use as a utility corridor, intermodal high speed transportation corridor or other transportation uses. The study shall include an examination of the ownership of the Stampede Pass rail line right of way and evaluate the advantages and disadvantages of preserving the Stampede Pass rail line corridor. It shall include interested public and private agencies when conducting the study. The commission shall encourage local communities and the private sector to financially participate in the study. The commission shall make a presentation of the feasibility findings to the legislative transportation committee on or before December 1, 1990.

(2) Recommendations to the legislature on future Washington state air transportation policy, including the expansion of existing and potential air carrier and reliever facilities and the siting of such new facilities, specifically taking into consideration intermodal needs. The commission shall consider the development of wayports in eastern Washington, taking into account similar developments in Japan and Germany, in order to reduce congestion resulting from rapid growth in the Puget Sound region. The commission shall examine high speed rail transportation systems, including but not limited to magnetic levitation trains, personal rapid transit systems, and complimentary transportation systems, using to the extent possible the existing rights of way along I-90, I-5, and the Stampede Pass rail corridor.

The commission shall submit findings and recommendations to the legislative transportation committee by December 1, 1994, with an interim report to be presented to the legislative transportation committee by December 1, 1992.

NEW SECTION, Sec. 41. The commission may contract with consultants to assist in any of the assigned studies. The commission shall seek federal funding in consultation with the department of transportation. Any federal funds received shall reduce the amount of state funds appropriated in section 13 of this act.

NEW SECTION, Sec. 42. The commission shall select a chair from among its membership and shall adopt rules related to its powers and duties under this chapter. Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050, 43.03.060, and 44.04.120, as appropriate. Members appointed by the governor shall be compensated in accordance with RCW 43.03.220. The commission has all powers necessary to carry out its duties as prescribed by this chapter. The commission shall be dissolved on June 30, 1995.

NEW SECTION, Sec. 43. The commission may employ staff as necessary to carry out this chapter. The department of transportation, the legislative transportation committee, and the Washington state transportation center may provide additional staff support for the commission. The legislative transportation committee must approve the commission's budget plan before the commission may spend funds.

NEW SECTION, Sec. 44. This chapter expires June 30, 1995.

NEW SECTION, Sec. 45. Sections 39 through 45 of this act constitute a new chapter in Title 47 RCW.

NEW SECTION, Sec. 46. 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. 47. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending section 5, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 4, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 6, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 7, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 9, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 10, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 11, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 12, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 13, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 16, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 17, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 19, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 20, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 24, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 25, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 26, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 28, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 29, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 30, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 31, chapter 6, Laws of 1989 1st ex. sess. (uncodified);

amending section 32, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 36, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 56, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 64, chapter 6, Laws of 1989 1st ex. sess. (uncodified); amending section 65, chapter 6, Laws of 1989 1st ex. sess. (uncodified); and amending section 504, chapter ... (ESSB 6358), Laws of 1990; adding new sections to chapter 6, Laws of 1989 1st ex. sess. (uncodified); adding a new chapter to Title 47 RCW; providing an expiration date; and declaring an emergency."

Signed by Senators Patterson, Thorsness, Bender; Representatives R. Fisher, Cooper, Schmidt.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Senate Bill No. 6408 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 6663, authorizing special license plates and emblems, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

All previous amendments be rejected, and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

(1) The department may create, design, and issue special license plates, upon terms and conditions as may be established by the department, that may be used in lieu of regular or personalized license plates upon vehicles. The special plates may denote the age or type of vehicle or may denote special activities or interests, status, or contribution or sacrifice for the United States, the state of Washington, or the citizens of the state of Washington, of a registered owner of that vehicle.

(2) The department has the sole discretion to determine whether or not to create, design, or issue any series of special license plates and whether any activity, status, contribution, or sacrifice merits the issuance of a series of special license plates. In making this determination, the department shall consider whether or not an activity or interest proposed contributes or has contributed significantly to the public health, safety, or welfare of the citizens of the United States or of this state or to their significant benefit, or whether the activity, interest, contribution, or sacrifice is recognized by the United States, this state, or other states, in other settings or contexts. The department may also consider the potential number of persons who may be eligible for the plates and the cost and efficiency of producing limited numbers of the plates. The design of a special license plate shall conform to all requirements for plates for the type of vehicle for which it is issued, as provided elsewhere in this chapter.

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

The department shall continue to issue, under section 1 of this act and the department's rules implementing sections 1 through 9 of this act, the categories of special plates issued by the department under the sections repealed under section 13 (1) through (7) of this act. Special license plates issued under those repealed sections before January 1, 1991, are valid to the extent and under the conditions provided in those repealed sections. The following conditions, limitations, or requirements apply to certain special license plates issued after January 1, 1991:

(1) A horseless carriage plate and a plate or plates issued for collectors' vehicles more than thirty years old, upon payment of the initial fees required by law and the additional special license plate fee established by the department, are valid for the life of the vehicle for which application is approved by the department. When a single plate is issued, it shall be displayed on the rear of the vehicle.

(2) The department may issue special license plates denoting amateur radio operator status only to persons having a valid official radio operator license issued for a term of five years by the federal communications commission.

(3) The department shall issue one set of special license plates to each resident of this state who has been awarded the Congressional Medal of Honor for use on a passenger vehicle registered to that person. The department shall issue the plate without the payment of any fees.

(4) The department may issue for use on only one motor vehicle owned by the qualified applicant special license plates denoting that the recipient of the plate is a survivor of the attack on Pearl Harbor on December 7, 1941, to persons meeting all of the following criteria:

(a) Is a resident of this state;

(b) Was a member of the United States Armed Forces on December 7, 1941;

(c) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles;

(d) Received an honorable discharge from the United States Armed Forces; and

(e) Is certified by a Washington state chapter of the Pearl Harbor survivors association as satisfying the qualifications in (c) of this subsection.

The department may issue such plates to the surviving spouse of any deceased Pearl Harbor survivor who met the requirements of this subsection. If the surviving spouse remarries, he or she shall return the special plates to the department within fifteen days and apply for regular plates. The surviving spouse must be a resident of this state.

The department shall issue these plates upon payment by the applicant of all other license fees, but the department may not set or charge an additional fee for these special license plates under section 4 of this act.

(5) The department shall replace, free of charge, special license plates issued under subsections (3) and (4) of this section if they are lost, stolen, damaged, defaced, or destroyed. Such plates shall remain with the persons upon transfer or other disposition of the vehicle for which they were initially issued, and may be used on another vehicle registered to the recipient in accordance with the provisions of section 5(1) of this act.

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

Persons applying to the department for special license plates shall apply on forms obtained from the department and in accordance with RCW 46.16.040. The applicant shall provide all information as is required by the department in order to determine the applicant's eligibility for such special license plates and for administration of sections 1 through 9 of this act.

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

The department may establish a fee for the issuance of each type of special license plate or plates in an amount calculated to offset the cost of production of the special license plate or plates and the administration of this program. The fee shall not exceed thirty-five dollars and is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

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

Except as provided in section 2 of this act:

(1) When a person who has been issued a special license plate or plates under section 1 of this act sells, trades, or otherwise transfers or releases ownership of the vehicle upon which the special license plate or plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of five dollars shall be charged in addition to all other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.

(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be made and fees paid as provided by law for the replacement of regular license plates.

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

(1) The department shall issue upon payment of a fee and proof from an honorably discharged veteran, a remembrance emblem depicting a tribute or message and the American flag.

(2) Veterans who served in our nation's wars and conflicts can, upon request and payment of a fee and proof of service, receive a remembrance emblem depicting the campaign ribbon the veteran was awarded. Only the following campaign ribbon remembrance emblems will be available: World War I victory medal; Asiatic-Pacific campaign medal, WWII; European-African-Middle East campaign medal, WWII; American campaign medal, WWII; Korean service medal; Vietnam service medal; Armed Forces Expeditionary, after 1958.

(3) The remembrance emblem will be displayed upon vehicle license plates in the manner prescribed by the department.

(4) A veteran requesting a remembrance emblem from the department shall provide a copy of his or her discharge papers (DD-214) along with payment of the fee. A veteran requesting a remembrance emblem must be a legal or registered owner of the vehicle on which remembrance emblems are to be displayed.

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

Any institution of higher education as defined in RCW 28B.10.016 may petition the department to create, design, and issue to that institution a vehicle license plate emblem series that identifies that institution or one of its purposes, programs, projects, or causes. The vehicle license plate emblem issued by the department may display a mascot, slogan, message, or symbol that can be displayed on a vehicle license plate or plates in the manner prescribed by the department. The department has sole discretion in approving or disapproving institutions for participation in the vehicle license plate emblem program. The department also has the

sole discretion to determine the significance of the purpose, program, project, or cause and if it merits recognition by issuance of a vehicle license plate emblem.

Application to the department is the exclusive method for an institution to request issuance of a special vehicle license plate emblem series or to obtain such emblems for distribution by approved institutions. All applicants shall apply to the department on a form obtained from the department.

Any approved institution may collect additional fees from any person as a condition for receiving an emblem, to be used for the purposes of the approved institution.

NEW SECTION, Sec. 8. A new section is added to chapter 46.16 RCW to read as follows:

Vehicle license plate emblems and veteran remembrance emblems shall use fully reflectorized materials designed to provide visibility at night. Emblems shall be designed to be affixed to a vehicle license number plate by pressure-sensitive adhesive so as not to obscure the plate identification numbers or letters.

Emblems will be issued for display on the front and rear license number plates. Single emblems will be issued for vehicles authorized to display one license number plate.

NEW SECTION, Sec. 9. A new section is added to chapter 46.16 RCW to read as follows:

(1) The director may adopt fees to be charged by the department for emblems issued by the department under sections 6 and 7 of this act.

(2) The fee for each remembrance emblem issued under section 6 of this act shall be in an amount sufficient to offset the costs of production of remembrance emblems and the administration of that program by the department plus an amount for use by the department of veterans' affairs, not to exceed a total fee of twenty-five dollars per emblem. The fee for each special vehicle license plate emblem issued under section 7 of this act shall be an amount sufficient to offset the cost of production of the emblems and of administering the special vehicle license plate emblem program.

(3) The veterans' emblem account is created in the custody of the state treasurer. All receipts by the department from the issuance of remembrance emblems under section 6 of this act shall be deposited into this fund. Expenditures from the fund may be used only for the costs of production of remembrance emblems and administration of the program by the department of licensing, with the balance used only by the department of veterans' affairs for projects that pay tribute to those living veterans and to those who have died defending freedom in our nation's wars and conflicts and for the upkeep and operations of existing memorials, as well as for planning, acquiring land for, and constructing future memorials. Only the director of licensing, the director of veterans' affairs, or their designees may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(4) The special vehicle license plate emblem account is established in the state treasury. Fees collected by the department for emblems issued under section 7 of this act shall be deposited into the special vehicle license plate emblem account to be used only to offset the costs of administering the special vehicle license plate emblem program.

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

The director shall adopt rules to implement sections 1 through 9 of this act, including setting of fees.

Sec. 11. Section 46.16.350, chapter 12, Laws of 1961 as last amended by section 49, chapter 136, Laws of 1979 ex. sess. and RCW 46.16.350 are each amended to read as follows:

Any radio amateur operator who holds a special call letter license plate as issued under ~~(the provisions of RCW 46.16.320 through 46.16.350)~~ sections 1 through 5 of this act, and who has allowed his or her federal communications commission license to expire, or has had it revoked, must notify the director in writing within thirty days and surrender his or her call letter license plate. Failure to do so is a traffic infraction.

NEW SECTION, Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 46.16.310, chapter 12, Laws of 1961, section 1, chapter 114, Laws of 1971 ex. sess., section 1, chapter 143, Laws of 1982, section 1, chapter 15, Laws of 1988 and RCW 46.16.310;

(2) Section 2, chapter 114, Laws of 1971 ex. sess. and RCW 46.16.311;

(3) Section 3, chapter 114, Laws of 1971 ex. sess. and RCW 46.16.315;

(4) Section 46.16.320, chapter 12, Laws of 1961, section 21, chapter 32, Laws of 1967, section 80, chapter 145, Laws of 1967 ex. sess., section 1, chapter 206, Laws of 1969 ex. sess., section 10, chapter 118, Laws of 1975 1st ex. sess. and RCW 46.16.320;

(5) Section 46.16.330, chapter 12, Laws of 1961, section 22, chapter 32, Laws of 1967 and RCW 46.16.330;

(6) Section 1, chapter 77, Laws of 1979 ex. sess. and RCW 46.16.620;

(7) Section 1, chapter 44, Laws of 1987 and RCW 46.16.625; and

(8) Section 2, chapter 280, Laws of 1986 and RCW 46.16.660.

Sec. 13. Section 6, chapter 244, Laws of 1975 1st ex. sess. as last amended by section 9, chapter 352, Laws of 1985 and RCW 10.05.060 are each amended to read as follows:

If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the petitioner agrees to comply with its terms and conditions and agrees to pay the cost thereof, if able to do so, or arrange for the treatment, an entry shall be

made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be attached to the docket, which shall then be removed from the regular court dockets and filed in a special court deferred prosecution file. If the charge be one that an abstract of the docket showing the charge and the date of petitioner's acceptance is required to be sent to the department of licensing, an abstract shall be sent, and the department of licensing shall make an entry of the charge and of the petitioner's acceptance for deferred prosecution on the department's driving record of the petitioner. The entry is not a conviction for purposes of Title 46 RCW. The department shall maintain the record for five years from date of entry of the order granting deferred prosecution.

Sec. 14. Section 3, chapter 156, Laws of 1965 and RCW 46.01.030 are each amended to read as follows:

The department shall be responsible for administering and recommending the improvement of the motor vehicle laws of this state relating to:

- (1) driver examining and licensing;
- (2) driver improvement;
- (3) driver records;
- (4) financial responsibility;
- (5) certificates of ownership;
- (6) certificates of license registration and license plates;
- (7) proration and reciprocity;
- (8) liquid fuel tax collections;
- (9) licensing of dealers, motor vehicle transporters, motor vehicle wreckers, for hire vehicles, and drivers' schools;
- (10) general highway safety promotion in cooperation with the Washington state patrol and ~~((state))~~ traffic safety ((council)) commission;
- (11) such other activities as the legislature may provide.

Sec. 15. Section 9, chapter 156, Laws of 1965 as amended by section 119, chapter 158, Laws of 1979 and RCW 46.01.090 are each amended to read as follows:

The department shall be under the control of an executive officer to be known as the director of licensing. ~~((He))~~ The director shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. ~~((The director))~~ Directors shall be selected with special reference to ~~((his))~~ their experience, capacity, and interest in the field of motor vehicle administration or highway safety.

Sec. 16. Section 10, chapter 156, Laws of 1965 and RCW 46.01.100 are each amended to read as follows:

~~((The director))~~ Directors shall organize the department in such manner as ~~((he))~~ they may deem necessary ~~((properly))~~ to segregate and conduct the work of the department ~~((effectively))~~.

Sec. 17. Section 5, chapter 231, Laws of 1971 ex. sess. and RCW 46.04.303 are each amended to read as follows:

'Modular home' means ~~((any factory built housing))~~ a factory-assembled structure designed primarily for ((residential occupancy by human beings which does not contain a permanent frame)) use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home.

Sec. 18. Section 1, chapter 213, Laws of 1979 ex. sess. as amended by section 702, chapter 330, Laws of 1987 and RCW 46.04.304 are each amended to read as follows:

'Moped' means ~~((any two wheeled or three wheeled))~~ a motorized device designed to travel with not more than three sixteen-inch or larger diameter wheels in contact with the ground, having fully operative pedals for propulsion by human power, and ((a) an electric or a liquid fuel) motor with a cylinder displacement not exceeding fifty cubic centimeters which produces no more than two gross brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) ((and)) that is capable of propelling the device at ((a maximum speed of)) not more than thirty miles per hour on level ground~~((and the wheels of which are at least sixteen inches in diameter))~~.

The Washington state patrol may approve of and define as a 'moped' a vehicle which fails to meet these specific criteria, but which is essentially similar in performance and application to ~~((vehicles))~~ motorized devices which do meet these specific criteria.

Sec. 19. Section 3, chapter 231, Laws of 1971 ex. sess. and RCW 46.04.305 are each amended to read as follows:

'Motor homes' means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation, which include lodging and cooking or sewage disposal, and is enclosed within a solid body shell with the vehicle, but excludes a camper or like unit constructed separately and affixed to a motor vehicle.

Sec. 20. Section 46.04.330, chapter 12, Laws of 1961 as amended by section 2, chapter 213, Laws of 1979 ex. sess. and RCW 46.04.330 are each amended to read as follows:

'Motorcycle' means ~~((every))~~ a motor vehicle ~~((having a saddle for the use of the rider and))~~ designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar, but excluding a farm tractor and a moped.

The Washington state patrol may approve of and define as a 'motorcycle' a motor vehicle that fails to meet these specific criteria, but that is essentially similar in performance and application to motor vehicles that do meet these specific criteria.

NEW SECTION. Sec. 21. A new section is added to chapter 46.04 RCW to read as follows:

'Photograph,' along with the terms 'picture' and 'negative,' means a pictorial representation, whether produced through photographic or other means, including, but not limited to, digital data imaging.

Sec. 22. Section 46.04.580, chapter 12, Laws of 1961 and RCW 46.04.580 are each amended to read as follows:

'Suspend,' in all its forms, means invalidation for any period less than one calendar year and thereafter until reinstatement. However, under RCW 46.61.515 the invalidation may last for more than one calendar year.

Sec. 23. Section 8, chapter 47, Laws of 1971 ex. sess. as last amended by section 2, chapter 206, Laws of 1986 and RCW 46.09.030 are each amended to read as follows:

The department shall provide for the issuance of use permits for off-road vehicles and may appoint agents for collecting fees and issuing permits. The department shall charge each applicant for registration the actual cost of the decal. The department shall make available replacement decals for a fee equivalent to the actual cost of the decals. The provisions of RCW 46.01.130 and 46.01.140 apply to the issuance of use permits for off-road vehicles as they do to the issuance of vehicle licenses, the appointment of agents and the collection of application fees.

Sec. 24. Section 13, chapter 47, Laws of 1971 ex. sess. as last amended by section 5, chapter 206, Laws of 1986 and RCW 46.09.080 are each amended to read as follows:

(1) Each dealer of off-road vehicles in this state who does not have a current 'dealer's plate' for vehicle use pursuant to chapter 46.70 RCW shall obtain an ORV dealer permit from the department in such manner and upon such forms as the department shall prescribe. Upon receipt of an application for an ORV dealer permit and the fee under subsection (2) of this section, the dealer shall be registered and an ORV dealer permit number assigned.

(2) The fee for ORV dealer permits shall be twenty-five dollars per year, which covers all of the off-road vehicles owned by a dealer and not rented. Off-road vehicles rented on a regular, commercial basis by a dealer shall have separate use permits.

(3) Upon the issuance of an ORV dealer permit each dealer ~~((shall))~~ may purchase, at a cost to be determined by the department, ORV dealer number plates of a size and color to be determined by the department, that contain the dealer ORV permit number assigned to the dealer. Each off-road vehicle operated by a dealer, dealer representative, or prospective customer for the purposes of testing or demonstration shall display such number plates assigned pursuant to the dealer permit provisions in chapter 46.70 RCW or this section, in a manner prescribed by the department.

(4) ~~((No person other than a dealer or a representative thereof may display number plates as prescribed in subsection (3) of this section, and))~~ No dealer ~~((or)),~~ dealer representative ((thereof)), or prospective customer shall use such number plates for any purpose other than the purpose prescribed in subsection (3) of this section.

(5) ORV dealer permit numbers shall be nontransferable.

(6) It is unlawful for any dealer to sell any off-road vehicle at wholesale or retail or to test or demonstrate any off-road vehicle within the state unless he has a motor vehicle dealers' license pursuant to chapter 46.70 RCW or an ORV dealer permit number in accordance with this section.

(7) When an ORV is sold by a dealer, the dealer shall apply for title in the purchaser's name within fifteen days following the sale.

Sec. 25. Section 19, chapter 47, Laws of 1971 ex. sess. as amended by section 12, chapter 220, Laws of 1977 ex. sess. and RCW 46.09.140 are each amended to read as follows:

The operator of any nonhighway vehicle involved in an accident resulting in injury to or death of any person, or property damage to another ~~((in the estimated amount of two hundred dollars or more))~~ to an apparent extent equal to or greater than the minimum amount established by rule adopted by the chief of the Washington state patrol in accordance with chapter 46.52 RCW, or a person acting for the operator shall submit such reports as are required under chapter 46.52 RCW, ~~((as now enacted or as hereafter amended,))~~ and the provisions of chapter 46.52 RCW ~~((shall be applicable))~~ applies to ((such)) the reports when submitted.

Sec. 26. Section 5, chapter 29, Laws of 1971 ex. sess. as amended by section 5, chapter 17, Laws of 1982 and RCW 46.10.050 are each amended to read as follows:

(1) Each dealer of snowmobiles in this state shall register with the department in such manner and upon such forms as the department shall prescribe. Upon receipt of a dealer's application for registration and the registration fee provided for in subsection (2) of this section, such dealer shall be registered and a registration number assigned.

(2) The registration fee for dealers shall be twenty-five dollars per year, and such fee shall cover all of the snowmobiles (~~(owned)~~ offered by a dealer for ~~((other than personal use))~~ sale and not rented on a regular, commercial basis: PROVIDED, That snowmobiles rented on a regular commercial basis by a dealer shall be registered separately under the provisions of RCW 46.10.020, 46.10.040, 46.10.060, and 46.10.070.

(3) Upon registration each dealer (~~(shall)~~ may purchase, at a cost to be determined by the department, dealer number plates of a size and color to be determined by the department, which shall contain the registration number assigned to that dealer. Each snowmobile operated by a dealer, dealer representative, or prospective customer for the purposes ~~((enumerated in subsection (2) of this section))~~ demonstration or testing shall display such number plates in a clearly visible manner.

(4) No person other than a dealer ~~((or a)), dealer representative ((thereof)), or prospective customer~~ shall display a dealer number plate, and no dealer ~~((or a)), dealer representative ((thereof)), or prospective customer~~ shall use a dealer's number plate for any purpose other than the purposes described in subsection ~~((2))~~ (3) of this section.

(5) Dealer registration numbers ~~((shall be))~~ are nontransferable.

(6) It ~~((shall be))~~ is unlawful for any dealer to sell any snowmobile at wholesale or retail, or to test or demonstrate any snowmobile, within the state, unless registered in accordance with the provisions of this section.

Sec. 27. Section 14, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.140 are each amended to read as follows:

The operator of any snowmobile involved in any accident resulting in injury to or death of any person, or property damage ~~((in the estimated amount of two hundred dollars or more))~~ to an apparent extent equal to or greater than the minimum amount established by rule adopted by the Washington state patrol in accordance with chapter 46.52 RCW, or a person acting for the operator, or the owner of the snowmobile having knowledge of the accident, ((should)) if the operator of the snowmobile ~~((be))~~ is unknown, shall submit such reports as are required under chapter 46.52 RCW, ~~((as now enacted or as hereafter amended;))~~ and the provisions of chapter 46.52 RCW ~~((shall be applicable))~~ applies to ((such)) the reports when submitted.

Sec. 28. Section 46.12.070, chapter 12, Laws of 1961 and RCW 46.12.070 are each amended to read as follows:

Upon the destruction of any vehicle ~~((covered by))~~ issued a certificate(s) of ownership under this chapter or a license registration ((and ownership)) under chapter 46.16 RCW, the registered owner and the legal owner shall forthwith and within ((five)) fifteen days thereafter forward and surrender ~~((such))~~ the certificate((- together with the vehicle license plates therefor if available;)) to the ~~((director))~~ department, together with a statement of the reason for ~~((such))~~ the surrender and the ((time)) date and place of destruction. Failure to notify the ~~((director))~~ department or the possession by any person of any such certificate for a vehicle so destroyed, after ~~((five))~~ fifteen days following its destruction, ~~((shall be))~~ is prima facie evidence of violation of the provisions of this chapter and ~~((shall))~~ constitutes a gross misdemeanor.

Any insurance company settling ~~((any))~~ an insurance claim on ~~((any such))~~ a vehicle that has been issued a certificate of ownership under this chapter or a certificate of license registration under chapter 46.16 RCW as a total loss, less salvage value, shall notify the ((director)) department thereof within ((five)) fifteen days after the settlement of ((any such)) the claim ((under any policy of insurance carried by it on a vehicle covered by certificates of license registration and ownership issued by this state)). Notification shall be provided regardless of where or in what jurisdiction the total loss occurred.

Sec. 29. Section 46.12.140, chapter 12, Laws of 1961 and RCW 46.12.140 are each amended to read as follows:

In the case of vehicle dealers ((in vehicles, including manufacturers who sell to persons other than dealers;)) a separate certificate of ownership, either of the dealer or of the dealer's immediate vendor properly assigned ~~((or of the dealer himself)),~~ shall be required covering each used vehicle kept in ~~((his))~~ the dealer's possession. In the case of consigned vehicles, the vehicle dealer may possess a completed consignment contract that includes a guaranteed title from the seller in lieu of the required certificate of ownership.

Sec. 30. Section 9, chapter 140, Laws of 1967 and RCW 46.12.151 are each amended to read as follows:

If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department may register the vehicle but shall either:

(1) Withhold issuance of a certificate of ownership for a period of three years or until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

(2) As a condition of issuing a certificate of ownership, require the applicant to file with the department a bond for a period of three years in the form prescribed by the department and executed by the applicant ~~((or in lieu thereof a deposit of cash in like amount)).~~ The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their

respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of ownership of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. ~~((The bond, or any cash deposit shall be returned))~~ At the end of three years or prior thereto if the vehicle is no longer registered in this state ((and the currently valid certificate)) or when satisfactory evidence of ownership is surrendered to the department, ((unless the department has been notified of the pendency of an action to recover on)) the owner may apply to the department for a replacement certificate of ownership without reference to the bond.

Sec. 31. Section 8, chapter 140, Laws of 1967 as amended by section 1, chapter 170, Laws of 1969 ex. sess. and RCW 46.12.181 are each amended to read as follows:

If a certificate of ownership or a certificate of license registration is lost, stolen, mutilated or destroyed or becomes illegible, the first priority secured party or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of one dollar and upon furnishing information satisfactory to the department. The duplicate certificate of ownership or license registration shall contain the legend, 'This is a duplicate certificate.' It shall be mailed to the first priority secured party named in it or, if none, to the owner.

~~((The department shall not issue a new certificate of ownership to a transferee upon application made for a duplicate until fifteen department business days after receipt of the application.))~~

A person recovering an original certificate of ownership or title registration for which a duplicate has been issued shall promptly surrender the original certificate to the department.

Sec. 32. Section 2, chapter 178, Laws of 1987 and RCW 46.16.270 are each amended to read as follows:

Replacement plates issued after January 1, 1987, will be centennial plates as described in RCW 46.16.650. ~~((Revenues generated from the centennial plate shall go in part to support local and state centennial activities as provided in RCW 27.60.080. One dollar per plate of the replacement plate fee(s) will be distributed as follows: From January 1, 1987, through June 30, 1989, one-half of the fee shall be deposited in the centennial commission account, and the remainder shall be deposited in the motor vehicle fund. Commencing July 1, 1989,))~~ The total replacement plate fee including the one dollar per plate centennial plate fee shall be deposited in the motor vehicle fund.

Upon the loss, defacement, or destruction of one or both of the vehicle license number plates issued for any vehicle where more than one plate was originally issued or where one or both have become so illegible or in such a condition as to be difficult to distinguish, or upon the owner's option, the owner of the vehicle shall make application for new vehicle license number plates upon a form furnished by the director ~~((upon which form it shall be required that the owner, if appropriate and in addition to other requirements, make a complete statement as to the cause of the loss, defacement, or destruction of the original plate or plates, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vehicle license applications. Such))~~. The application shall be filed with the director or the director's authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of three dollars per plate, whereupon the director, or the director's authorized agent, shall issue new vehicle license number plates to the applicant. It shall be accompanied by a fee of two dollars for a new motorcycle license number plate. In the event the director has issued license period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement, or destruction of the tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs, year tabs, and when necessary month tabs or a windshield emblem to replace those lost, defaced, or destroyed. For ~~((those))~~ vehicles owned, rented, or leased by the state of Washington or by any county, city, town, school district, or other political subdivision of the state of Washington or United States government, or owned or leased by the governing body of an Indian tribe as defined in RCW 46.16.020, a fee shall be charged for replacement of a vehicle license number plate only to the extent required by the provisions of RCW 46.16.020, 46.16.061, 46.16.237, and 46.01.140. For ~~((those))~~ vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty, the payment of any fee for the replacement of a vehicle license number plate shall not be required.

Sec. 33. Section 2, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 88, Laws of 1988 and RCW 46.20.021 are each amended to read as follows:

(1) No person, except as expressly exempted by this chapter, may drive any motor vehicle upon a highway in this state unless the person has a valid driver's license issued under the provisions of this chapter. A violation of this subsection is a misdemeanor and is a lesser

included offense within the offenses described in RCW 46.20.342(1), (~~46.20.416~~) 46.20.420, and 46.65.090.

(2) No person shall receive a driver's license unless and until he or she surrenders to the department all valid driver's licenses in his or her possession issued to him or her by any other jurisdiction. The department shall establish a procedure to invalidate the surrendered photograph license and return it to the person. The invalidated license, along with the valid temporary Washington driver's license provided for in RCW 46.20.055(3), shall be accepted as proper identification. The department shall notify the issuing department that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time.

(3) Any person licensed as a driver under this chapter may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations.

Sec. 34. Section 10, chapter 260, Laws of 1981 as last amended by section 1, chapter 17, Laws of 1986 and RCW 46.20.055 are each amended to read as follows:

(1) Any person who is at least fifteen and a half years of age may apply to the department for an instruction permit for the operation of any motor vehicle except a motorcycle. Any person (~~who is at least~~) sixteen years of age or older, holding a valid driver's license, may apply for an instruction permit for the operation of a motorcycle. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant a driver's or motorcyclist's instruction permit.

(a) A driver's instruction permit entitles the permittee while having the permit in immediate possession to drive a motor vehicle upon the public highways for a period of one year when accompanied by a licensed driver who has had at least five years of driving experience and is occupying a seat beside the driver. Except as provided in subsection (c) of this subsection, only one additional permit, valid for one year, may be issued.

(b) A motorcyclist's instruction permit entitles the permittee while having the permit in immediate possession to drive a motorcycle upon the public highways for a period of ninety days as provided in RCW 46.20.510(3). Except as provided in subsection (c) of this subsection, only one additional permit, valid for ninety days, may be issued.

(c) The department after investigation may issue a third driver's or motorcyclist's instruction permit when it finds that the permittee is diligently seeking to improve driving proficiency.

(2) The department may waive the examination, except as to eyesight and other potential physical restrictions, for any applicant who is enrolled in either a traffic safety education course as defined by RCW (~~46.81.010(2)~~) 28A.08.010(2) or a course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1) at the time the application is being considered by the department. The department may require proof of registration in such a course as it deems necessary.

(3) The department upon receiving proper application may in its discretion issue a driver's instruction permit (~~effective for a school semester or other restricted period~~) to an applicant who is at least fifteen years of age and is enrolled in a traffic safety education program which includes practice driving and which is approved and accredited by the superintendent of public instruction. Such instruction permit shall entitle the permittee having the permit in immediate possession to drive a motor vehicle only when an approved instructor or other licensed driver with at least five years of driving experience, is occupying a seat beside the permittee.

(4) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to drive a motor vehicle for a period not to exceed sixty days while the department is completing its investigation and determination of all facts relative to such applicant's right to receive a driver's license. Such permit must be in the permittee's immediate possession while driving a motor vehicle, and it shall be invalid when the permittee's license has been issued or for good cause has been refused.

Sec. 35. Section 8, chapter 121, Laws of 1965 ex. sess. as last amended by section 2, chapter 1, Laws of 1985 ex. sess. and RCW 46.20.091 are each amended to read as follows:

(1) Every application for an instruction permit or for an original driver's license shall be made upon a form prescribed and furnished by the department which shall be sworn to and signed by the applicant before a person authorized to administer oaths. Every application for an instruction permit containing a photograph shall be accompanied by a fee of five dollars. The department shall forthwith transmit the fees collected for instruction permits and temporary drivers' permits to the state treasurer.

(2) Every such application shall state the full name, date of birth, sex, and Washington residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as a driver or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal, and shall state such additional information as the department shall require.

(3) Whenever application is received from a person previously licensed in another jurisdiction, the department shall request a copy of such driver's record from such other jurisdiction. When received, the driving record shall become a part of the driver's record in this state.

(4) Whenever the department receives request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge if the other licensing jurisdiction extends the same privilege to the state of Washington. Otherwise there shall be a reasonable charge for transmittal of the record, the amount to be fixed by the director of the department.

Sec. 36. Section 46.20.100, chapter 12, Laws of 1961 as last amended by section 2, chapter 234, Laws of 1985 and RCW 46.20.100 are each amended to read as follows:

The department of licensing shall not consider an application of any minor under the age of eighteen years for a driver's license or the issuance of a motorcycle endorsement for a particular category unless:

(1) The application is also signed by ~~((the father or mother of the applicant, otherwise by the))~~ a parent or guardian having the custody of such minor, or in the event a minor under the age of eighteen has no father, mother, or guardian, then a driver's license shall not be issued to the minor unless his or her application is also signed by the minor's employer; and

(2) The applicant has satisfactorily completed a traffic safety education course as defined in RCW ~~((46.01.010))~~ 28A.08.010, conducted by a recognized secondary school, that meets the standards established by the office of the state superintendent of public instruction or the applicant has satisfactorily completed a traffic safety education course, conducted by a commercial driving instruction enterprise, that meets the standards established by the office of the superintendent of public instruction and is officially approved by that office on an annual basis: PROVIDED, HOWEVER, That the director may upon a showing that an applicant was unable to take or complete a driver education course waive that requirement if the applicant shows to the satisfaction of the department that a need exists for the applicant to operate a motor vehicle and he or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property, under rules to be promulgated by the department in concert with the supervisor of the traffic safety education section, office of the superintendent of public instruction. For a person under the age of eighteen years to obtain a motorcycle endorsement, he or she must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

The department may waive any education requirement under this subsection for an applicant previously licensed to drive a motor vehicle or motorcycle outside this state if the applicant provides proof satisfactory to the department that he or she has had education equivalent to that required under this subsection.

Sec. 37. Section 5, chapter 155, Laws of 1969 ex. sess. as last amended by section 1, chapter 22, Laws of 1981 and RCW 46.20.118 are each amended to read as follows:

The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of licensing as authorized by RCW ~~((46.20.115))~~ 46.20.070 through 46.20.119. ~~((The negative file shall become a part of the driver record file maintained by the department.))~~ Negatives in the file shall not be available for public inspection and copying under chapter 42.17 RCW. The department may make the file available to official governmental enforcement agencies to assist in the investigation by the agencies of suspected criminal activity. The department may also provide a print to the driver's next of kin in the event the driver is deceased.

Sec. 38. Section 6, chapter 155, Laws of 1969 ex. sess. and RCW 46.20.119 are each amended to read as follows:

The rules and regulations adopted pursuant to RCW ~~((46.20.115))~~ 46.20.070 through 46.20.119 shall be reasonable in view of the purposes to be served by RCW ~~((46.20.115))~~ 46.20.070 through 46.20.119.

Sec. 39. Section 46.20.130, chapter 12, Laws of 1961 as last amended by section 4, chapter 245, Laws of 1981 and RCW 46.20.130 are each amended to read as follows:

The director shall prescribe the content of the driver licensing examination and the manner of conducting the examination, which shall include but is not limited to:

(1) A test of the applicant's eyesight and ~~((his))~~ ability to see, understand, and follow highway signs regulating, warning, and directing traffic;

(2) A test of the applicant's knowledge of traffic laws and ~~((his))~~ ability to understand and follow the directives of lawful authority, ~~((given in the English language.))~~ orally or graphically, that regulate, warn, and direct traffic in accordance with the traffic laws of this state;

(3) An actual demonstration of ~~((his))~~ the applicant's ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property; and

(4) Such further examination as the director deems necessary (a) to determine whether any facts exist which would bar the issuance of a vehicle operator's license under chapters 46.20, 46.21, and 46.29 RCW, and (b) to determine the applicant's fitness to operate a motor vehicle safely on the highways; and

(5) In addition to the foregoing, when the applicant desires to drive a motorcycle, as defined in RCW 46.04.330, or a motor-driven cycle, as defined in RCW 46.04.332, the applicant

shall also demonstrate ~~(his)~~ the ability to operate such motorcycle or motor-driven cycle in such a manner as not to jeopardize the safety of persons or property.

Sec. 40. Section 11, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 245, Laws of 1981 and RCW 46.20.161 are each amended to read as follows:

The department, upon receipt of a fee of fourteen dollars, which includes the fee for the required photograph, shall issue to every applicant qualifying therefor a driver's license, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, Washington residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license ~~(shall be)~~ is valid until it has been so signed by the licensee.

Sec. 41. Section 17, chapter 121, Laws of 1965 ex. sess. as last amended by section 2, chapter 245, Laws of 1981 and RCW 46.20.181 are each amended to read as follows:

Every driver's license ~~(shall)~~ expires on the fourth anniversary of the licensee's birthdate following the issuance of ~~((such))~~ the license ~~(-PROVIDED, That during the period July 1, 1981, through and including June 30, 1983, the department shall implement a system of staggering the renewal periods of currently licensed drivers so as to make approximately one-half of such renewals for a two-year period and the other one-half for a four-year period))~~. Every such license ~~((shall be))~~ is renewable on or before its expiration upon application prescribed by the department and the payment of a fee of fourteen dollars ~~(-or of seven dollars in the case of those being renewed for only two years. These fees))~~. This fee includes the fee for the required photograph.

Sec. 42. Section 46.20.270, chapter 12, Laws of 1961 as last amended by section 5, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.20.270 are each amended to read as follows:

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That if the convicted person testifies that he or she does not and at the time of the offense did not have a current and valid vehicle driver's license, the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department may not issue a driver's license to such persons during the period of suspension or revocation: PROVIDED, ALSO, That if the driver's license of such convicted person has been lost or destroyed and such convicted person makes an affidavit to that effect, sworn to before the judge, the convicted person may not be so confined, but the department may not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, a payment of a fine or penalty, a plea of guilty or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing, stopping, parking, and pedestrian offenses.

(3) Every municipality having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, may forward to the department within ten days of failure to respond, failure to pay a penalty, failure to appear at a hearing to contest the determination that a violation of any statute, ordinance, or regulation relating to standing, stopping, or parking, or failure to appear at a hearing to explain mitigating circumstances, an abstract of the citation record in the form prescribed by rule of the department, showing the finding by such municipality that three or more violations of laws governing standing, stopping, and parking have been committed and indicating the nature of the defendant's failure to act. Such violations may not have occurred while the vehicle is stolen from the registered owner or is leased or rented under a bona fide commercial vehicle 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. The department may enter into agreements of reciprocity with the duly authorized representatives of the states for reporting to each other violations of laws governing standing, stopping, and parking.

(4) For the purposes of Title 46 RCW the term 'conviction' means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence ~~((is))~~ or sanctions are deferred or the penalty is suspended, but not including entry into a deferred prosecution agreement under chapter 10.05 RCW.

(5) For the purposes of Title 46 RCW the term 'finding that a traffic infraction has been committed' means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to RCW 46.63.070(2) is deemed equivalent to such a finding.

Sec. 43. 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;

(2) Vehicular assault;

(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))~~ the driver 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 or resulting in damage to a vehicle that is driven or attended by 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. 44. Section 10, chapter 167, Laws of 1967 as last amended by section 9, chapter 61, Laws of 1979 and RCW 46.20.293 are each amended to read as follows:

The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.100 and ~~((+3.64.278))~~ 13.50.200, against any minor upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any person under eighteen years of age who is not emancipated from such parent, parents, or guardian, the department records of traffic charges compiled against ~~((said))~~ the person and shall collect for ~~((said))~~ the copy a fee of ((one)) four dollars and fifty cents to be deposited in the highway safety fund.

Sec. 45. Section 9, chapter 148, Laws of 1988 and RCW 46.20.311 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342 or 46.61.515. Whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291, the suspension shall remain in effect ~~((and the department shall not issue to the person any new, duplicate, or renewal license))~~ until the person ~~((pays a reinstatement fee of twenty dollars and))~~ gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the ~~((reinstatement))~~ reissue fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one

year from the date ~~((on which the revoked license was surrendered to and received by the department))~~ the license or privilege to drive was revoked; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(3) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308; or (f) after the expiration of the applicable revocation period provided by RCW 46.20.265. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a ~~((reinstatement))~~ reissue fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the ~~((reinstatement))~~ reissue fee shall be fifty dollars. Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways. ~~((A resident without a license or permit whose license or permit was revoked under RCW 46.20.308(c) shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.))~~

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the ~~((suspension shall remain in effect and the))~~ department shall not issue to the person any new or renewal license until the person pays a ~~((reinstatement))~~ reissue fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the ~~((reinstatement))~~ reissue fee shall be fifty dollars.

Sec. 46. Section 33, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.326 are each amended to read as follows:

Failure to appear for a driver improvement interview at the time and place stated by the department in its notice as provided in RCW 46.20.322 and 46.20.323 or failure to request a driver improvement interview within ten days as provided in ~~((section 33 of this 1965 amendatory act shall))~~ RCW 46.20.325 constitutes a waiver of a driver improvement interview, and the department may take action without such driver improvement interview, or the department may, upon request of the person whose privilege to drive may be affected, or at its own option, re-open the case, take evidence, change or set aside any order theretofore made, or grant a driver improvement interview.

Sec. 47. Section 3, chapter 148, Laws of 1980 as last amended by section 1, chapter 388, Laws of 1987 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 title, has been canceled or terminated, is guilty of a gross misdemeanor, except that any person who has a valid Washington driver's license is not guilty of a violation of this section. 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 conviction, 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, 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 or privilege of the person is under suspension, the department shall extend the period of 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 or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored. 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.

Sec. 48. Section 1, chapter 5, Laws of 1973 as last amended by section 5, chapter 407, Laws of 1985 and RCW 46.20.391 are each amended to read as follows:

(1) Any person licensed under this chapter ~~((who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory)) or any nonresident granted the privilege of driving a motor vehicle on the highways of this state, whose driver's license or driving privilege has been suspended or revoked, other than for vehicular homicide ((or), vehicular assault, or for a physical or mental disability that would affect that person's ability to operate a motor vehicle with safety upon the highways,~~ may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may ~~((petition))~~ apply for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed under RCW 46.61.515. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present ~~((conviction))~~ suspension or revocation, the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present ~~((conviction))~~ suspension or revocation, the applicant has not been convicted of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular homicide under RCW 46.61.520, or of vehicular assault under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

Sec. 49. Section 6, chapter 1, Laws of 1969 and RCW 46.20.911 are each amended to read as follows:

If any provision of RCW ~~((46.20.092;))~~ 46.20.308, 46.20.311, and 46.61.506 or its application to any person or circumstance is held invalid, the remainder of RCW ~~((46.20.092;))~~ 46.20.308, 46.20.311, and 46.61.506, or the application of the provision to other persons or circumstances is not affected.

Sec. 50. Section 14, chapter 178, Laws of 1989 and RCW 46.25.120 are each amended to read as follows:

(1) A person who drives a commercial motor vehicle within this state is deemed to have given consent, subject to RCW 46.61.506, to take a test or tests of that person's blood or breath for the purpose of determining that person's alcohol concentration or the presence of other drugs.

(2) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol in his or her system.

(3) The law enforcement officer requesting the test under subsection (1) of this section shall warn the person requested to submit to the test that a refusal to submit will result in that person being disqualified from operating a commercial motor vehicle under RCW 46.25.090.

(4) If the person refuses testing, or submits to a test that discloses an alcohol concentration of 0.04 or more, the law enforcement officer shall submit a sworn report to the department certifying that the test was requested pursuant to subsection (1) of this section and that the person refused to submit to testing, or submitted to a test that disclosed an alcohol concentration of 0.04 or more.

(5) Upon receipt of the sworn report of a law enforcement officer under subsection (4) of this section, the department shall disqualify the driver from driving a commercial motor vehicle under RCW 46.25.090, subject to the hearing provisions of RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle within this state while ~~((under the influence of alcohol or any drug, whether the person was placed under arrest))~~ having alcohol in the person's system, whether the person refused to submit to the test or tests upon request of the officer after having been informed that the refusal

would result in the disqualification of the person from driving a commercial motor vehicle, and, if the test was administered, whether the results indicated an alcoholic concentration in that person's blood of 0.04 percent or more. The department shall order that the disqualification of the person either be rescinded or sustained. Any decision by the department disqualifying a person from driving a commercial motor vehicle is stayed and does not take effect while a formal hearing is pending under this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during the pendency of the hearing and appeal. If the disqualification of the person is sustained after the hearing, the person who is disqualified may file a petition in the superior court of the county of arrest to review the final order of disqualification by the department in the manner provided in RCW 46.20.334.

Sec. 51. Section 11, chapter 169, Laws of 1963 as last amended by section 1, chapter 378, Laws of 1987 and RCW 46.29.110 are each amended to read as follows:

~~((In the event that any))~~ If a person required to deposit security under this chapter fails to deposit such security within ~~((thirty))~~ sixty days after the department has sent the notice as hereinbefore provided, the department shall thereupon suspend:

- (1) The driver's license of each driver in any manner involved in the accident;
- (2) The driver's license of the owner of each vehicle of a type subject to registration under the laws of this state involved in ~~((such))~~ the accident;
- (3) If the driver or owner is a nonresident, the privilege of operating within this state a vehicle of a type subject to registration under the laws of this state~~((?))~~.

Such suspensions shall be made in respect to persons required by the department to deposit security who fail to deposit such security except as otherwise provided under succeeding sections of this chapter.

Sec. 52. Section 33, chapter 169, Laws of 1963 as last amended by section 3, chapter 44, Laws of 1969 ex. sess. and RCW 46.29.330 are each amended to read as follows:

The department upon receipt of the certificates provided for by RCW 46.29.310, on a form provided by the department, shall forthwith suspend the license and any nonresident's driving privilege of any person against whom such judgment was rendered, except as ~~((hereinafter))~~ otherwise provided in ~~((this section or in other sections of))~~ this chapter.

~~((When the certificates transmitted to the department under RCW 46.29.310 indicate that a default judgment has been entered against the defendant but do not indicate clearly that service of summons was on the person of the defendant, then the department shall promptly notify the defendant by first class mail addressed to the address in the department's records under RCW 46.20.265 (if a nonresident, then to the comparable record in his home state) that within twenty-five days of the mailing date, which shall be indicated on the notice, he may request a hearing on the question of the suspension of his license or nonresident driving privilege. If the defendant does not make a timely request for a hearing, then the suspension shall be forthwith executed. Should a hearing be timely requested, then the department shall convene a hearing in conformity with chapter 34.04 RCW, as now law or hereafter amended. The defendant's license or nonresident driving privilege shall not be suspended if at such hearing he overcomes the following presumptions:~~

- ~~((a) That he received actual and timely notice of the suit against him;~~
- ~~((b) That he would have received actual and timely notice had he conformed to the provisions of RCW 46.20.265;~~
- ~~((c) That he would have received actual and timely notice had he not thwarted the attempt or attempts to so notify him;))~~

Sec. 53. Section 43, chapter 169, Laws of 1963 as last amended by section 1, chapter 371, Laws of 1987 and RCW 46.29.430 are each amended to read as follows:

~~((In the event that any))~~ If a person required to give proof of financial responsibility under RCW 46.29.420 fails to give such proof within ~~((twenty))~~ sixty days after the department has sent notice as hereinbefore provided, the department shall suspend, or continue in effect any existing suspension or revocation of, the license or any nonresident's driving privilege of ~~((such))~~ the person.

Sec. 54. Section 61, chapter 169, Laws of 1963 and RCW 46.29.610 are each amended to read as follows:

(1) Any person whose license shall have been suspended under any provision of this chapter, or whose policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, shall immediately return ~~((his))~~ the license to the department. ~~((If any person shall fail to return to the department the license as provided herein, the department shall forthwith direct any peace officer to secure possession thereof and to return the same to the department;))~~

(2) Any person willfully failing to return ~~((a))~~ a license as required in ~~((paragraph))~~ sub-section (1) of this section ~~((shall be))~~ is guilty of a misdemeanor.

Sec. 55. Section 4, chapter 232, Laws of 1967 as last amended by section 732, chapter 330, Laws of 1987 and by section 1, chapter 454, Laws of 1987 and RCW 46.37.530 are each reenacted and amended to read as follows:

- (1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle (~~(-PROVIDED, That)~~). However, mirrors (~~(shall)~~ are not (~~(be)~~) required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage (~~(-PROVIDED FURTHER, That)~~), and no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol;

(c) For any person under the age of eighteen years to operate or ride upon a motorcycle or motor-driven cycle on a state highway, county road, or city street unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the (~~(commission on equipment)~~) state patrol. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state patrol.

(2) The state patrol (~~(is hereby authorized and empowered to)~~) may adopt and amend rules, pursuant to the Administrative Procedure Act, concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets.

Sec. 56. Section 46.56.135, chapter 12, Laws of 1961 as last amended by section 1, chapter 89, Laws of 1986 and RCW 46.61.655 are each amended to read as follows:

(1) No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor.

(2) No person may operate on any public highway any vehicle with any load unless the load and such covering as required thereon (~~(be by)~~) by subsection (3) of this section is securely fastened to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(3) Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping therefrom shall be covered so as to prevent spillage. Covering of such loads is not required if six inches of freeboard is maintained within the bed.

(4) Any vehicle with deposits of mud, rocks, or other debris on the vehicle's body, fenders, frame, undercarriage, wheels, or tires shall be cleaned of such material before the operation of the vehicle on a paved public highway.

(5) The (~~legislative transportation committee shall monitor the effects of subsections (2) through (4) of this section after June 11, 1986, until January 1, 1987, to determine if modifications to this section are necessary.~~)

(~~6~~) The (~~commission on equipment~~) state patrol may make necessary rules to carry into effect the provisions of this section, applying such provisions to specific conditions and loads and prescribing means, methods, and practices to effectuate such provisions.

(~~(7)~~) (~~6~~) Nothing in this section may be construed to prohibit a public maintenance vehicle from dropping sand on a highway to enhance traction, or sprinkling water or other substances to clean or maintain a highway.

Sec. 57. Section 2, chapter 151, Laws of 1961 and RCW 46.61.685 are each amended to read as follows:

It (~~(shall be)~~) is unlawful for any person, while operating or in charge of a vehicle, to park or willfully allow such vehicle to stand upon a public highway or in a public place with its motor running, leaving a minor child or children under the age of sixteen years unattended (~~(therein)~~) in the vehicle.

Any person violating the provisions of this section (~~(shall be)~~) is guilty of a misdemeanor. Upon a second or subsequent conviction for a violation of (~~(the provisions of)~~) this section, the (~~(court)~~) department shall (~~(-in addition to such fine or imprisonment as provided by law;)~~) revoke the operator's license of such person.

Sec. 58. Section 1, chapter 152, Laws of 1986 and RCW 46.61.688 are each amended to read as follows:

(1) For the purposes of this section, the term 'motor vehicle' includes:

(a) 'Buses,' meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) 'Multipurpose passenger vehicles,' meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) 'Passenger cars,' meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(d) 'Trucks,' meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all passengers under the age of sixteen years are either wearing a safety belt assembly or are securely fastened into an approved child restraint device.

(5) ~~((During the period from June 11, 1986, to January 1, 1987, a person violating this section may be issued a written warning of the violation. After January 1, 1987,))~~ A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(8) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(9) The ~~((commission on equipment))~~ state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

Sec. 59. Section 3, chapter 186, Laws of 1986 as amended by section 2, chapter 181, Laws of 1987, section 55, chapter 244, Laws of 1987, section 6, chapter 247, Laws of 1987, and by section 11, chapter 388, Laws of 1987 and RCW 46.63.020 are each reenacted and 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 46.16.011 relating to permitting unauthorized persons to drive;

~~(8)~~ RCW 46.16.160 relating to vehicle trip permits;

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

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

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

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

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

~~(14) ((RCW 46.20.416 relating to driving while in a suspended or revoked status;~~

~~(15))~~ RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

~~((16))~~ ~~(15)~~ RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

~~((17))~~ ~~(16)~~ Chapter 46.29 RCW relating to financial responsibility;

- ((17)) (17) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
 ((18)) (18) RCW 46.48.175 relating to the transportation of dangerous articles;
 ((19)) (19) RCW 46.52.010 relating to duty on striking an unattended car or other property;
 ((20)) (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)) (21) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
 ((22)) (22) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
 ((23)) (23) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
 ((24)) (24) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
 ((25)) (25) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
 ((26)) (26) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
 ((27)) (27) RCW 46.61.022 relating to failure to stop and give identification to an officer;
 ((28)) (28) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
 ((29)) (29) RCW 46.61.500 relating to reckless driving;
 ((30)) (30) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
 ((31)) (31) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
 ((32)) (32) RCW 46.61.522 relating to vehicular assault;
 ((33)) (33) RCW 46.61.525 relating to negligent driving;
 ((34)) (34) RCW 46.61.530 relating to racing of vehicles on highways;
 ((35)) (35) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
 ((36)) (36) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
 ((37)) (37) RCW 46.64.020 relating to nonappearance after a written promise;
 ((38)) (38) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
 ((39)) (39) Chapter 46.65 RCW relating to habitual traffic offenders;
 ((40)) (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)) (41) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
 ((42)) (42) Chapter 46.80 RCW relating to motor vehicle wreckers;
 ((43)) (43) Chapter 46.82 RCW relating to driver's training schools;
 ((44)) (44) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
 ((45)) (45) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 60. Section 46.56.210, chapter 12, Laws of 1961 and RCW 46.64.048 are each amended to read as follows:

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared by this title to be a traffic infraction or a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcefully, or willfully induces, causes, coerces, requires, permits or directs others to violate any provisions of this title is likewise guilty of such offense.

Sec. 61. Section 46.64.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 38, Laws of 1988 and RCW 46.64.020 are each amended to read as follows:

(1) The legislature finds that:

(a) Traffic laws are necessary for the safe and expeditious flow of motor vehicle traffic.

(b) For traffic laws to be effective, they must be judiciously and fairly enforced. This enforcement includes the issuance of notices of infraction and citations and the assessment of fines and penalties.

(c) The adjudication of notices of infraction through a written and signed promise to respond, and of citations through a written and signed promise to appear, as provided in this title is an integral and important part of the traffic law system.

(d) Approximately twenty percent of all people issued notices of infraction and citations violate their written and signed promise to respond or appear and obtain notices of failure to respond or appear on their driving records. Through their actions, these people are destroying the effectiveness of the traffic law system and undermining the department of licensing regulatory control of drivers' licenses.

(e) Notices of failure to respond or appear accumulated on a person's driving record shall be considered if they were issued after July 25, 1987.

(2) Any person 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 traffic infraction, as provided in this

title, is guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested or the disposition of the notice of infraction: PROVIDED, That a written promise to appear in court or a written promise to respond to a notice of traffic infraction may be complied with by an appearance by counsel: PROVIDED FURTHER, That a person charged under RCW 46.20.021 with driving with an expired driver's license may respond by mailing to the court within fifteen days of the violation, a copy of the person's currently valid driver's license. Any person who has been issued a notice of infraction pursuant to RCW 46.63.030(3) and who fails to respond as provided in this title is guilty of a misdemeanor regardless of the disposition of the notice of infraction.

(3) Any person who drives a motor vehicle within the state and has accumulated two or more notices of failure to appear or respond on his or her driving record maintained by the department of licensing in any five-year period as a result of noncompliance with the traffic (~~infraction~~) laws in any jurisdiction or court within Washington, or in any jurisdiction or court within other states which are signatories with Washington in a nonresident violator compact or reciprocal agreement under chapter 46.23 RCW, shall be guilty of failure to comply, a gross misdemeanor. A person is not subject to this subsection for failure to pay a fine for any pedestrian, bicycling, or parking offense.

Probable cause for arrest under this subsection is established by the officer obtaining, orally or in writing, information from the department of licensing that two or more notices of failure to appear or respond are on the person's driving record. For purposes of this chapter, failure to satisfy any penalties imposed under this title is considered equivalent to failure to appear or respond.

Venue for prosecution shall be in the court with jurisdiction in the area of apprehension.

Sec. 62. Section 9, chapter 284, Laws of 1971 ex. sess. as amended by section 4, chapter 62, Laws of 1979 and RCW 46.65.070 are each amended to read as follows:

No license to operate motor vehicles in Washington shall be issued to an habitual offender (1) for a period of five years from the date of the license revocation except as provided in RCW 46.65.080, and (2) until the privilege of such person to operate a motor vehicle in this state has been restored by the department of licensing as (~~hereinafter~~) provided in this chapter (~~provided~~).

Sec. 63. Section 6, chapter 241, Laws of 1986 and RCW 46.70.029 are each amended to read as follows:

Listing dealers shall transact dealer business by obtaining a (~~consignment~~) listing agreement for sale, and the buyer's purchase of the mobile home shall be handled as dealer inventory. All funds from the purchaser shall be placed in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the mobile home from these funds. Where title has been delivered to the purchaser, the listing dealer shall pay the amount due a seller within ten days after the sale of a listed mobile home. A complete account of all funds received and disbursed shall be given to the seller or consignee after the sale is completed. The sale of listed mobile homes imposes the same duty under RCW 46.12.120 on the listing dealer as any other sale.

Sec. 64. Section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 8, chapter 241, Laws of 1986 and RCW 46.70.041 are each amended to read as follows:

(1) Every application for a vehicle dealer license shall contain the following information to the extent it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for the license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization including if the applicant is a corporation, proof that the corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime which directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners;

(f) A business telephone with a listing in the local directory;

(g) The name or names of new vehicles the vehicle dealer wishes to sell;

(h) The names and addresses of each manufacturer from whom the applicant has received a franchise;

(i) Whether the applicant intends to sell used vehicles, and if so, whether he has space available for servicing and repairs;

(j) A certificate by (~~the chief of police or his deputy, or a member of the Washington state patrol or~~) a representative of the department, that the applicant's principal place of business

and each subagency business location in the state of Washington meets the location requirements as required by this chapter. The certificate shall include proof of the applicant's ownership or lease of the real property where the applicant's principal place of business is established (~~in no event may the certificate be issued by a member of the Washington state patrol if the dealership is located in a city which has a population in excess of five thousand persons~~);

(K) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty. This requirement applies only to applicants seeking to sell, to exchange, to offer, to auction, to solicit, or to advertise new or current-model vehicles with factory or distributor warranties;

(l) The class of vehicles the vehicle dealer will be buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising, and which classification or classifications the dealer wishes to be designated as;

(m) Any other information the department may reasonably require.

(2) If the applicant is a manufacturer the application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require.

Sec. 65. Section 13, chapter 74, Laws of 1967 ex. sess. as last amended by section 10, chapter 241, Laws of 1986 and RCW 46.70.061 are each amended to read as follows:

(1) The annual fees for original licenses issued for twelve consecutive months from the date of issuance under this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Five hundred dollars;

(b) Vehicle dealers, each subagency: Fifty dollars; temporary subagency: Twenty-five dollars;

(c) Vehicle manufacturers: Five hundred dollars.

(2) The annual fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Two hundred fifty dollars;

(b) Vehicle dealer, each and every subagency: Twenty-five dollars;

(c) Vehicle manufacturers: Two hundred fifty dollars.

If any licensee fails or neglects to apply for such renewal within thirty days after the expiration of the license, or assigned renewal date under a staggered licensing system, the license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for the original license.

(3) The fee for the transfer to another location of any license classification issued pursuant to this chapter shall be twenty-five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax, except those specified in RCW 82.44.030, and gross weight and tonnage fees.

(5) All fees collected under this chapter shall be deposited in the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed in this section are in addition to any excise taxes imposed by chapter 82.44 RCW.

Sec. 66. Section 10, chapter 74, Laws of 1967 ex. sess. as last amended by section 12, chapter 241, Laws of 1986 and RCW 46.70.083 are each amended to read as follows:

The license of a vehicle dealer or a vehicle manufacturer expires on the date (~~assigned by the director, and~~) that is twelve consecutive months from the date of issuance. The license may be renewed by filing with the department prior to the expiration ((thereof and)) of the license, a renewal application containing such information as the department may require to indicate any material change in the information contained in the original application.

~~((Before renewal:))~~ The dealer's established place of business shall be certified by a representative of the department ~~((the chief of police or his deputy, or a member of the Washington state patrol))~~ at least once every thirty-two months, or more frequently as determined necessary by the department. The certification ~~((shall))~~ will verify compliance with the requirements of this chapter for an established place of business. Failure by the dealer to comply at any time is grounds for license suspension or revocation, denial of the renewal application, or monetary assessment.

Sec. 67. Section 2, chapter 109, Laws of 1985 and RCW 46.70.085 are each amended to read as follows:

Notwithstanding any provision of law to the contrary, the director may extend or diminish licensing periods of dealers ~~((:))~~ and manufacturers ~~((and salespersons))~~ for the purpose of staggering renewal periods. The extension or diminishment shall be by rule of the department adopted in accordance with chapter 34.05 RCW.

Sec. 68. Section 46.76.040, chapter 12, Laws of 1961 and RCW 46.76.040 are each amended to read as follows:

The fee for an original transporter's license ~~((shall be))~~ is twenty-five dollars. Transporter license number plates bearing an appropriate symbol and serial number shall be attached to all vehicles being delivered in the conduct of the business licensed under ~~((the provisions hereof. Such))~~ this chapter. The plates may be obtained for a fee of two dollars for each set. ~~((New plates must be procured with each annual renewal:))~~

Sec. 69. Section 1, chapter 110, Laws of 1971 ex. sess. as last amended by section 2, chapter 142, Laws of 1983 and RCW 46.79.010 are each amended to read as follows:

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

(1) ~~(('Abandoned vehicle' means any vehicle left within the limits of any highway or upon the property of another without the consent of the owner of such property for a period of twenty-four hours or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance:))~~

~~((2) 'Abandoned automobile hulk' means the abandoned remnant, major component part, or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of parts or mechanisms and the application of a substantial amount of labor to effect repairs:))~~

~~((3))~~ 'Junk vehicle' means a motor vehicle certified under RCW 46.55.230 as meeting all the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Is without a valid, current registration plate;

(e) Has a fair market value equal only to the value of the scrap in it.

(2) 'Scrap processor' means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling salvage.

~~((4))~~ (3) 'Demolish' means to destroy completely by use of a hydraulic baler and shears, or a shredder.

~~((5))~~ (4) 'Hulk hauler' means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained. A hulk hauler may not sell second-hand motor vehicle parts to anyone other than a licensed vehicle wrecker or scrap processor, except for those parts specifically enumerated in RCW 46.79.020(2), as now or hereafter amended, which may be sold to a licensed motor vehicle wrecker or disposed of at a public facility for waste disposal.

~~((6))~~ (5) 'Director' means the director of licensing.

~~((7))~~ (6) 'Major component parts' include engines and short blocks, frames, transmissions or transfer cases, cabs, doors, front or rear differentials, front or rear clips, quarter panels or fenders, bumpers, truck beds or boxes, seats, and hoods.

Sec. 70. Section 2, chapter 110, Laws of 1971 ex. sess. as last amended by section 1, chapter 62, Laws of 1987 and RCW 46.79.020 are each amended to read as follows:

Any hulk hauler or scrap processor licensed under the provisions of this chapter may:

(1) Notwithstanding any other provision of law, transport any flattened or junk ~~((abandoned))~~ vehicle ~~((hulk))~~ whether such ~~((hulk))~~ vehicle is from in state or out of state, to a scrap processor upon obtaining the certificate of title or release of interest from the owner or an affidavit of sale from the landowner who has complied with RCW 46.55.230. The scrap processor shall forward such document(s) to the department, together with a monthly report of all vehicles acquired from other than a licensed automobile wrecker, and no further identification shall be necessary.

(2) Prepare vehicles and vehicle salvage for transportation and delivery to a scrap processor or vehicle wrecker only by removing the following vehicle parts:

- (a) Gas tanks;
- (b) Vehicle seats containing springs;
- (c) Tires;
- (d) Wheels;
- (e) Scrap batteries;
- (f) Scrap radiators.

Such parts may not be removed if they will be accepted by a scrap processor or wrecker. Such parts may be removed only at a properly zoned location, and all preparation activity, vehicles, and vehicle parts shall be obscured from public view. Storage is limited to two vehicles or the parts thereof which are authorized by this subsection, and any such storage may take place only at a properly zoned location. Any vehicle parts removed under the authority of this subsection shall be lawfully disposed of at or through a public facility or service for waste disposal or by sale to a licensed motor vehicle wrecker.

Sec. 71. Section 7, chapter 110, Laws of 1971 ex. sess. as amended by section 5, chapter 142, Laws of 1983 and RCW 46.79.070 are each amended to read as follows:

The director may by order pursuant to the provisions of chapter 34.05 RCW, deny, suspend, or revoke the license of any hulk hauler or scrap processor or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed five hundred dollars per violation, whenever the director finds that the applicant or licensee:

(1) Removed a vehicle or vehicle major component part from property without obtaining both the written permission of the property owner and documentation approved by the department for acquiring vehicles, (~~abandoned vehicle hulks~~) junk vehicles, or major component parts thereof;

(2) Acquired, disposed of, or possessed a vehicle or major component part thereof when he or she knew that such vehicle or part had been stolen or appropriated without the consent of the owner;

(3) Sold, bought, received, concealed, had in his or her possession, or disposed of a vehicle or major component part thereof having a missing, defaced, altered, or covered manufacturer's identification number, unless approved by a law enforcement officer;

(4) Committed forgery or made any material misrepresentation on any document relating to the acquisition, disposition, registration, titling, or licensing of a vehicle pursuant to Title 46 RCW;

(5) Committed any dishonest act or omission which has caused loss or serious inconvenience as a result of the acquisition or disposition of a vehicle or any major component part thereof;

(6) Failed to comply with any of the provisions of this chapter or other applicable law relating to registration and certificates of title of vehicles and any other document releasing any interest in a vehicle;

(7) Been authorized to remove a particular vehicle or vehicles and failed to take all remnants and debris from those vehicles from that area unless requested not to do so by the person authorizing the removal;

(8) Removed parts from a vehicle at other than an approved location or removed or sold parts or vehicles beyond the scope authorized by this chapter or any rule adopted hereunder;

(9) Been adjudged guilty of a crime which directly relates to the business of a hulk hauler or scrap processor and the time elapsed since the adjudication is less than five years. For the purposes of this section adjudged guilty means, in addition to a final conviction in either a federal, state, or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the imposition of sentence is deferred or the penalty is suspended; or

(10) Been 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, or which license was assessed a civil penalty and the assessed amount has not been paid.

Sec. 72. Section 46.80.030, chapter 12, Laws of 1961 as last amended by section 193, chapter 158, Laws of 1979 and RCW 46.80.030 are each amended to read as follows:

Application for a motor vehicle wrecker's license or renewal of a vehicle wrecker's license shall be made on a form for this purpose, furnished by the department of licensing, and shall be signed by the motor vehicle wrecker or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief of police of any city or town having a population of over five thousand persons and in all other instances a member of the Washington state patrol certifying that:

(a) The applicant has an established place of business at the address shown on the application, and;

(b) In the case of a renewal of a vehicle wrecker's license, the applicant (~~has been complying with the provisions of~~) is in compliance with this chapter (~~as now or hereafter amended~~;) and the provisions of Title 46 RCW, relating to registration and certificates of title: PROVIDED, That the above certifications in any instance can be made by an authorized representative of the department of licensing:

(4) Any other information that the department may require.

Sec. 73. Section 14, chapter 51, Laws of 1979 ex. sess. and RCW 46.82.410 are each amended to read as follows:

All moneys collected from driver training school licenses and instructor licenses shall be deposited in the (~~general~~) highway safety fund.

NEW SECTION. Sec. 74. A new section is added to chapter 46.87 RCW to read as follows:

Owners of rental trailers and semitrailers over six thousand pounds gross vehicle weight, and converter gears used solely in pool fleets shall fully register a portion of the pool fleet in this state. To determine the percentage of total fleet vehicles that must be registered in this state, divide the gross revenue received in the preceding year for the use of the rental vehicles arising from rental transactions occurring in this state by the total revenue received in the preceding year for the use of the rental vehicles arising from rental transactions in all jurisdictions in which the vehicles are operated. Apply the resulting percentage to the total number of vehicles that shall be registered in this state. Vehicles registered in this state shall be representative of the vehicles in the fleet according to age, size, and value.

Sec. 75. Section 17, chapter 244, Laws of 1987 and RCW 46.87.025 are each amended to read as follows:

All vehicles being added to an existing Washington-based fleet or those vehicles that make up a new Washington-based fleet shall be titled in the name of the (~~fleet~~) owner at time of registration, or evidence of filing application for title for such vehicles in the name of the owner shall accompany the application for proportional registration.

Sec. 76. Section 25, chapter 244, Laws of 1987 and RCW 46.87.120 are each amended to read as follows:

(1) The initial application for proportional registration of a fleet shall state the mileage data with respect to the fleet for the preceding year in this and other jurisdictions. If no operations were conducted with the fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in each of the jurisdictions in which operation is contemplated. The registrant shall determine the jurisdiction and total miles to be used in computing the fees and taxes due for the fleet. The department may evaluate and adjust the estimate in the application if it is not satisfied as to its correctness.

(2) When the nonmotor vehicles of a fleet are operated in jurisdictions in addition to those in which the motor vehicles of the fleet are operated, or when the nonmotor vehicles of a fleet are operated with motor vehicles that are not part of the fleet, the registrant shall place such nonmotor vehicles in a separate fleet.

(3) In instances where the use of mileage accumulated by a nonmotor vehicle fleet is impractical, for the purpose of calculating prorate percentages, the registrant may request another method or unit of measure, or both, to be used in determining the prorate percentages. Upon receiving the request, the department may prescribe another method or unit of measure, or both, to be used in lieu of mileage that will ensure each jurisdiction that requires the registration of nonmotor vehicles its fair share of vehicle licensing fees and taxes.

(4) When operations of a Washington-based fleet is materially changed through merger, acquisition, or extended authority, the registrant shall notify the department, which shall then require the filing of an amended application setting forth the proposed operation by use of estimated mileage for all jurisdictions. The department may adjust the estimated mileage by audit or otherwise to an actual travel basis to insure proper fee payment. The actual travel basis may be used for determination of fee payments until such time as a normal mileage year is available under the new operation. Under the provisions of the Western Compact, this subsection applies to any fleet proportionally registered in Washington irrespective of the fleet's base jurisdiction.

Sec. 77. Section 40, chapter 244, Laws of 1987 and RCW 46.87.270 are each amended to read as follows:

Every Washington-based motor vehicle registered under this chapter shall have the maximum gross weight or maximum combined gross weight for which the vehicle is licensed in this state, painted or stenciled in letters or numbers of contrasting color not less than two inches in height in a conspicuous place on the right and left sides of the vehicle. It is unlawful for the owner or operator of any motor vehicle to display a maximum gross weight or maximum combined gross weight other than that shown on the current cab card of the vehicle.

Sec. 78. Section 1, chapter 19, Laws of 1985 as last amended by section 1, chapter 24, Laws of 1988 and RCW 46.90.300 are each amended to read as follows:

The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.260, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, 46.12.380, 46.16.010, 46.16.011, 46.16.025, 46.16.028, 46.16.030, 46.16.088, 46.16.135, 46.16.140, 46.16.145, 46.16.170, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.381, 46.16.390, 46.16.500, 46.16.505, 46.16.710, 46.20.021, 46.20.022, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.190, 46.20.220, 46.20.308, 46.20.336, 46.20.342, 46.20.343, 46.20.344, 46.20.391, 46.20.394, 46.20.410, ((46.20.416)) 46.20.420, 46.20.430, 46.20.435, 46.20.440, 46.20.500, 46.20.510, 46.20.550, ((46.20.599)) 46.20.750, 46.29.605, 46.29.625, 46.32.060, 46.32.070, 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220, 46.37.230, 46.37.240, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.369, 46.37.375, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.425, 46.37.430, 46.37.440, 46.37.450, 46.37.460, 46.37.465, 46.37.467, 46.37.480, 46.37.490, 46.37.500, 46.37.510, 46.37.513, 46.37.517, 46.37.520, 46.37.522, 46.37.523, 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529, 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540, 46.37.550, 46.37.560, 46.37.570, 46.37.590, 46.37.600, 46.37.610, 46.44.010, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.041, 46.44.042, 46.44.047, 46.44.050, 46.44.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46.44.096, 46.44.100, 46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173, 46.44.175, 46.44.180, 46.48.170, 46.52.010, 46.52.020, 46.52.030, 46.52.040, 46.52.070, 46.52.080, 46.52.088, 46.52.090, 46.52.100, 46.65.090, 46.79.120, and 46.80.010.

Sec. 79. Section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 174, Laws of 1987 and RCW 82.36.010 are each amended to read as follows:

For the purposes of this chapter:

- (1) 'Motor vehicle' means every vehicle that is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;
- (2) 'Motor vehicle fuel' means gasoline or any other inflammable gas or liquid, by whatsoever name such gasoline, gas, or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats;
- (3) 'Distributor' means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state;
- (4) 'Service station' means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;
- (5) 'Department' means the department of licensing;
- (6) 'Director' means the director of licensing;
- (7) 'Dealer' means any person engaged in the retail sale of liquid motor vehicle fuels;
- (8) 'Person' means every natural person, firm, partnership, association, or private or public corporation;
- (9) 'Highway' means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;
- (10) 'Broker' means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;
- (11) 'Producer' means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;
- (12) 'Distribution' means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;
- (13) 'Bulk storage plant' means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;
- (14) 'Marine fuel dealer' means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;
- (15) 'Aggregate motor vehicle fuel tax revenues' means the amount of excise taxes to be paid by distributors, retailers, and users pursuant to chapters 82.36, 82.37, and 82.38 RCW for any designated fiscal period, whether or not such amounts are actually received by the department of licensing. The phrase does not include fines or penalties assessed for violations;
- (16) 'Fiscal year' means a twelve-month period ending June 30th;

(17) 'State personal income' means the dollar amount published as total personal income of persons in the state for the calendar year by the United States department of commerce or its successor agency;

(18) 'State personal income ratio' for any calendar year means that ratio expressed in percentage terms that is the sum of one hundred percent, plus seventy percent of the percentage increase or decrease in state personal income for the calendar year under consideration as compared to state personal income for the immediately preceding calendar year;

(19) 'Motor vehicle fund revenue' means all state taxes, fees, and penalties deposited in the motor vehicle fund and all other state revenue required by statute to be deposited in the motor vehicle fund, but does not include (a) moneys derived from nonfuel tax sources which are deposited directly in the several accounts, (b) interest deposited directly in the several accounts within the motor vehicle fund, (c) federal funds, (d) proceeds from the sale of bonds, or (e) reimbursements to the motor vehicle fund for services performed by the department of transportation for others;

(20) 'Alcohol' means alcohol that is produced from renewable resources (~~and is produced in this state or in a state that extends a tax exemption or credit for the sale of alcohol produced in this state for use in motor vehicle fuel that is at least equal to a tax exemption or credit for the sale of alcohol produced in the other state for use in motor vehicle fuel~~);

(21) 'Electronic funds transfer' means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account.

Sec. 80. Section 82.36.190, chapter 15, Laws of 1961 and RCW 82.36.190 are each amended to read as follows:

The ~~((director))~~ department shall revoke the license of any distributor refusing or neglecting to comply with any provision of this chapter. The ~~((director))~~ department shall mail by registered mail addressed to such distributor at his last known address a notice of intention to cancel, which notice shall give the reason for cancellation. The cancellation shall become effective without further notice if within ten days from the mailing of the notice the distributor has not made good his default or delinquency.

The ~~((director))~~ department may cancel any license issued to any distributor, such cancellation to become effective sixty days from the date of receipt of the written request of such distributor for cancellation thereof, and the ~~((director))~~ department may cancel the license of any distributor upon investigation and sixty days notice mailed to the last known address of such distributor if ~~((he))~~ the department ascertains and finds that the person to whom the license was issued is no longer engaged in the business of a distributor, and has not been so engaged for the period of six months prior to such cancellation. No license shall be canceled upon the request of any distributor unless the distributor, prior to the date of such cancellation, pays to the state all taxes imposed by the provisions of this chapter, together with all penalties accruing by reason of any failure on the part of the distributor to make accurate reports or pay said taxes and penalties.

In the event the license of any distributor is canceled ~~((by the director))~~, and in the further event that the distributor pays to the state all excise taxes due and payable by him upon the receipt, sale, or use of motor vehicle fuel, together with any and all penalties accruing by reason of any failure on the part of the distributor to make accurate reports or pay said taxes and penalties, the ~~((director))~~ department shall cancel the bond filed by the distributor.

Sec. 81. Section 5, chapter 175, Laws of 1971 ex. sess. as amended by section 2, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.040 are each amended to read as follows:

~~((The department may issue written authorization to a special fuel user to purchase fuel from a bonded special fuel dealer designated by the special fuel user without payment of the tax to the bonded special fuel dealer when the department finds (1) that the special fuel user consistently is using the fuel in vehicles which are operated partly without this state or off the highways of this state; (2) that to require collection of the tax from the special fuel user by the bonded special fuel dealer would cause consistently recurring overpayments of the tax; and (3) that the revenue of the state with respect to the tax liability of such a special fuel user is adequately secured. Such authorization may be revoked when any one of the above conditions no longer obtains.))~~ The delivery of special fuel may be made without collecting the tax otherwise imposed when deliveries are made into vehicle refrigeration units, mixing units, or other equipment powered by separate motors from separate fuel tanks, on invoices showing the vehicle unit or license number and such other information as may be prescribed by the department.

Sec. 82. Section 6, chapter 175, Laws of 1971 ex. sess. as amended by section 1, chapter 242, Laws of 1983 and RCW 82.38.050 are each amended to read as follows:

Except as otherwise provided in this chapter, every special fuel user shall be liable for the tax on special fuel used in motor vehicles leased to ~~((him))~~ the user for ~~((more than))~~ thirty days or more and operated on the highways of this state to the same extent and in the same manner as special fuel used in his own motor vehicles and operated on the highways of this state: PROVIDED, That a lessor who is engaged regularly in the business of leasing or renting for

compensation motor vehicles and equipment he owns without drivers to carriers or other lessees for interstate operation, may be deemed to be the special fuel user when he supplies or pays for the special fuel consumed in such vehicles, and such lessor may be issued a license as a special fuel user when application and bond have been properly filed with and approved by the department for such license. Any lessee may exclude motor vehicles of which he or she is the lessee from ~~(his)~~ reports and liabilities pursuant to this chapter, but only if the motor vehicles in question have been leased from a lessor holding a valid special fuel user's license.

Every such lessor shall file with ~~(his)~~ the application for a special fuel user's license one copy of the lease form or service contract ~~(he)~~ the lessor enters into with the various lessees of ~~(his)~~ the lessor's motor vehicles. When the special fuel user's license has been secured, such lessor shall make and assign to each motor vehicle ~~(he leases)~~ leased for interstate operation a photocopy of such license to be carried in the cab compartment of ~~(said)~~ the motor vehicle and on which shall be typed or printed on the back the unit or motor number of the motor vehicle to which it is assigned and the name of the lessee. Such lessor shall be responsible for the proper use of such photocopy of ~~(said)~~ the license issued and its return to ~~(him)~~ the lessor with the motor vehicle to which it is assigned.

The lessor shall be responsible for fuel tax licensing and reporting, as required by this chapter, on the operation of all motor vehicles leased to others for less than thirty days ~~(or less)~~.

Sec. 83. Section 8, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.070 are each amended to read as follows:

A special fuel dealer shall be entitled, under rules and regulations prescribed by the department, to a credit of the tax paid over to the department on those sales of special fuel for which the dealer has received no consideration from or on behalf of the purchaser, which have been declared by the dealer to be worthless accounts receivable, and which have been claimed as bad debts for federal income tax purposes. The amount of the tax refunded shall not exceed the amount of tax imposed by this chapter on such sales ~~(less an amount computed by applying the current state retail sales tax rate to the difference between the total purchase price of such sales and the amount of tax imposed on such sales by this chapter)~~. If a refund has been granted under this section, any amounts collected for application against the accounts on which such a refund is based shall be reported with the first return filed after such collection, and the amount of refund received by the dealer based upon the collected amount shall be returned to the department. In the event the refund has not been paid, the amount of the refund requested by the dealer shall be adjusted by the department to reflect the decrease in the amount on which the claim is based. The department may require the dealer to submit periodical reports listing accounts which are delinquent for ninety days or more.

Sec. 84. Section 10, chapter 175, Laws of 1971 ex. sess. as last amended by section 2, chapter 29, Laws of 1986 and RCW 82.38.090 are each amended to read as follows:

It shall be unlawful for any person to act as a special fuel dealer, a special fuel supplier or a special fuel user in this state unless such person is the holder of an uncanceled special fuel dealer's, a special fuel supplier's or a special fuel user's license issued to him by the department. A special fuel supplier's license authorizes a person to sell special fuel without collecting the special fuel tax to other suppliers and dealers holding valid special fuel licenses.

A special fuel dealer's license authorizes a person to deliver previously untaxed special fuel into the fuel supply tanks of motor vehicles, collect the special fuel tax on behalf of the state at the time of delivery, and remit the taxes collected to the state as provided herein. A licensed special fuel dealer may also deliver untaxed special fuel into bulk storage facilities of a licensed special fuel user without collecting the special fuel tax. Special fuel dealers and suppliers, when making deliveries of special fuel into bulk storage to any person not holding a valid special fuel license must collect the special fuel tax at time of delivery, unless the person to whom the delivery is made is specifically exempted from the tax as provided herein.

A special fuel user's license authorizes a person to purchase special fuel into bulk storage for use in motor vehicles either on or off the public highways of this state without payment of the special fuel tax at time of purchase. Holders of special fuel licenses are all subject to the bonding, reporting, tax payment, and record-keeping provisions of this chapter. All purchases of special fuel by a licensed special fuel user directly into the fuel supply tank of a motor vehicle are subject to the special fuel tax at time of purchase unless ~~(the purchaser has specific written authorization from the department as provided in RCW 82.38.040 or)~~ the purchase is made from an unattended keylock metered pump, cardrol, or such similar dispensing devices. Persons utilizing special fuel for heating purposes only are not required to be licensed.

Sec. 85. Section 13, chapter 175, Laws of 1971 ex. sess. as last amended by section 8, chapter 40, Laws of 1979 and RCW 82.38.120 are each amended to read as follows:

Upon receipt and approval of an application and bond (if required), the department shall issue to the applicant a license to act as a special fuel dealer, a special fuel supplier, or a special fuel user: PROVIDED, That the department may refuse to issue a special fuel dealer's license, special fuel supplier's license, or a special fuel user's license to any person (1) who formerly held either type of license which, prior to the time of filing for application, has been revoked for cause; or (2) who is a subterfuge for the real party in interest whose license prior to

the time of filing for application, has been revoked for cause; or (3) who, as an individual licensee, or officer, director, owner, or managing employee of a nonindividual licensee, has had a special fuel license revoked for cause; or (4) who has an unsatisfied debt to the state assessed under either chapter 82.36, 82.37, 82.38, or ((46-85)) 46.87 RCW; or (5) upon other sufficient cause being shown. Before such refusal, the department shall grant the applicant a hearing and shall grant him at least five days written notice of the time and place thereof.

The department shall determine from the information shown in the application or other investigation the kind and class of license to be issued.

All licenses shall be posted in a conspicuous place or kept available for inspection at the principal place of business of the owner thereof. License holders shall reproduce the license by photostat or other method and keep a copy on display for ready inspection at each additional place of business or other place of storage from which special fuel is sold, delivered or used and in each motor vehicle used by the license holder to transport special fuel purchased by him for resale, delivery or use. Every licensed special fuel user operating a motor vehicle registered in a jurisdiction other than this state shall reproduce the license and carry a photocopy thereof with each motor vehicle being operated upon the highways of this state.

A special fuel dealer or a special fuel supplier may use special fuel in motor vehicles owned or operated by them without securing a license as a special fuel user but they shall be subject to all other conditions, requirements and liabilities imposed herein upon a special fuel user.

The department shall furnish to each licensed special fuel supplier a list showing the name and address of each bonded special fuel dealer as of the beginning of each fiscal year, and shall thereafter during each year supplement such list monthly.

Each special fuel dealer's license, special fuel supplier's license, and special fuel user's license shall be valid until the expiration date if shown on the license, or until suspended or revoked for cause or otherwise canceled.

No special fuel dealer's license, special fuel supplier's license, or special fuel user's license shall be transferable.

NEW SECTION. Sec. 86. The following acts or parts of acts are each repealed:

(1) Section 19, chapter 121, Laws of 1965 ex. sess., section 55, chapter 136, Laws of 1979 ex. sess. and RCW 46.20.171;

(2) Section 3, chapter 29, Laws of 1975-'76 2nd ex. sess., section 4, chapter 302, Laws of 1985 and RCW 46.20.416;

(3) Section 4, chapter 29, Laws of 1975-'76 2nd ex. sess. and RCW 46.20.418; and

(4) Section 2, chapter 219, Laws of 1984, section 2, chapter 352, Laws of 1985 and RCW 46.20.599.

Sec. 87, Section 1, chapter 22, Laws of 1987 as amended by section 8, chapter 337, Laws of 1989 and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. However, in those instances where: (a) The person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or (b) as a result of a traffic accident the person is being treated for a medical condition in a hospital, clinic, doctor's office, or other similar facility in which a breath testing instrument is not present, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test, and (b) that his or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions

of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) The department of licensing, upon the receipt of a sworn report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor and that the person had refused to submit to the test or tests upon the request of the law enforcement officer after being informed that refusal would result in the revocation of the person's privilege to drive, shall revoke the person's license or permit to drive or any nonresident operating privilege.

(7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within fifteen days after the notice has been given, the person may, in writing, request a formal hearing. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the scope of such hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's privilege to drive. The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.

(8) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

(9) The department shall rescind the revocation of a person's driving privilege under this section upon notification from the court of record that, for the incident upon which the department based its administrative action:

(a) The officer's grounds for believing that the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor were based solely on a nonalcohol or nondrug-related medical condition; and

(b) The person has been found not guilty of driving or being in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug including any drug prescribed for the medical condition. Upon notification from the court of record of a not guilty finding, the department shall expunge the implied consent violation from the person's driving record.

(10) When it has been finally determined under the procedures of this section that a non-resident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 88. Section 31, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.205 are each amended to read as follows:

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles lawfully approaching on said highway.

Sec. 89. Section 12, chapter 380, Laws of 1985 as last amended by section 1, chapter 12, Laws of 1988 and RCW 46.01.140 are each amended to read as follows:

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle upon the public highways of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of two dollars for each application in addition to any other fees required by law. Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or

46.16.085, shall pay to the director, county auditor, or other agent a fee of three dollars in addition to any other fees required by law. These additional fees, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application: PROVIDED, That an agent of the county auditor is entitled to an additional service charge of two dollars (~~(-PROVIDED FURTHER, That))~~).

(3) If the fee is collected by the state patrol (~~(or the department of transportation;))~~ as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such (~~(thing))~~ fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

NEW SECTION, Sec. 90. A new section is added to chapter 88.02 RCW to read as follows:

(1) The department may exempt from compliance with the vessel dealer requirements of this chapter, any person who is engaged in the business of selling in this state at wholesale or retail, human-powered watercraft which is: (a) Under sixteen feet in length; (b) unable to be powered by propulsion machinery or wind propulsion as designed by the manufacturer; and (c) not designed for use on commonly-used navigable waters.

(2) Any person engaged in the business of selling at wholesale or retail, exempt and non-exempt watercraft under this section shall only be required to comply with the provisions of this chapter in regard to the sale of nonexempt watercraft.

Sec. 91, Section 1, chapter 98, Laws of 1987 and RCW 73.04.115 are each amended to read as follows:

The department shall issue to the surviving spouse of any deceased former prisoner of war described in RCW 73.04.110(2), one set of regular or special license plates for use on a personal passenger vehicle registered to that person.

~~(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;))~~ The plates shall be issued without the payment of any license fees or excise tax on the vehicle. Whenever any person who has been issued license plates under 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. If the surviving spouse remarries, he or she shall return the special plates to the department within fifteen days and apply for regular license plates.

NEW SECTION, Sec. 92. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 93. Sections 1 through 9, and 11 through 13 of this act shall take effect on January 1, 1991. Section 10 of this act shall take effect on July 1, 1990."

On page 1, line 2 of the title, after "emblems;" strike the remainder of the title and insert "amending RCW 46.16.350, 10.05.060, 46.01.030, 46.01.090, 46.01.100, 46.04.303, 46.04.304, 46.04.305, 46.04.330, 46.04.580, 46.09.030, 46.09.080, 46.09.140, 46.10.050, 46.10.140, 46.12.070, 46.12.140, 46.12.151, 46.12.181, 46.16.270, 46.20.021, 46.20.055, 46.20.091, 46.20.100, 46.20.118, 46.20.119, 46.20.130, 46.20.161, 46.20.181, 46.20.270, 46.20.285, 46.20.293, 46.20.311, 46.20.326, 46.20.342, 46.20.391, 46.20.911, 46.25.120, 46.29.110, 46.29.330, 46.29.430, 46.29.610, 46.61.655, 46.61.685, 46.61.688, 46.64.048, 46.64.020, 46.65.070, 46.70.029, 46.70.041, 46.70.061, 46.70.083, 46.70.085, 46.76.040, 46.79.010, 46.79.020, 46.79.070, 46.80.030, 46.82.410, 46.87.025, 46.87.120, 46.87.270, 46.90.300, 82.36.010, 82.36.190, 82.38.040, 82.38.050, 82.38.070, 82.38.090, 82.38.120, 46.20.308, 46.61.205, 46.01.140, and 73.04.115; reenacting and amending RCW 46.37.530 and 46.63.020; adding new sections to chapter 46.16 RCW; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.87 RCW; adding a new section to chapter 88.02 RCW; repealing RCW 46.16.310, 46.16.311, 46.16.315, 46.16.320, 46.16.330, 46.16.620, 46.16.625, 46.16.660, 46.20.171, 46.20.416, 46.20.418, and 46.20.599; prescribing penalties; and providing effective dates."

Signed by Senators Patterson, Rasmussen, Thorsness; Representatives R. Fisher, R. Meyers, Schmidt.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute Senate Bill No. 6663 was adopted and the committee was granted the powers of Free Conference.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1990

Mr. Speaker:

The Senate suspended the rules, returned HOUSE BILL NO. 1890 to second reading and passed the bill with the following amendments:

On page 2, beginning on line 3, after "forty-nine" strike all material through "area" on line 6, and insert "legislative districts"

On page 2, after line 6, insert the following:

"(4) The house of representatives shall consist of ninety-eight members, two of whom shall be elected from and run at large within each legislative district. The senate shall consist of forty-nine members, one of whom shall be elected from each legislative district."

On page 2, line 7, strike "~~((5))~~ (4)" and insert "(5)"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Todd moved that the House do concur in the Senate amendments to House Bill No. 1890.

Representatives Todd, Miller and McLean spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. Wang presiding) stated the question before the House to be final passage of House Bill No. 1890 as amended by the Senate.

Representatives Raiter and Basich spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1890 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 89; nays, 4; excused, 4.

Voting yea: Representatives Anderson, Ballard, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Sprenkle, Tate, Todd, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Basich, Cole, Nelson, Raiter - 4.

Excused: Representatives Appelwick, Padden, Spanel, Vekich - 4.

House Bill No. 1890 as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 6434, insists on its position, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House refuse to recede, insist on its position regarding the House amendments to Engrossed Substitute Senate Bill No. 6434 and ask the Senate to concur therein.

Ms. Schmidt spoke against the motion. The motion was carried.

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

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 90-4765, by Representatives Kremen and Braddock

WHEREAS, Blaine High School has a long established history of excellence in wrestling competition; and

WHEREAS, Blaine, the last United States stop before Canada on Interstate 5, continued its historic wrestling tradition in February by winning its first Class A/B State Championship at the Mat Classic II in the Tacoma Dome; and

WHEREAS, Blaine scored 217 points, more than double the number of points scored by its nearest competitor; and

WHEREAS, Blaine was the top-ranked team in the state, qualified twelve wrestlers for state competition, had finished second three times but never won the state title, and was the consensus pick to win it all this season; and

WHEREAS, Blaine has won thirteen straight Whatcom County League titles, nine District titles, and seven Regional crowns; and

WHEREAS, The wrestling team broke five records en route to the state title, including scoring more points than any team ever in the competition, setting the highest margin of victory, and having ten individual medal winners, four of them champions; and

WHEREAS, High school team sports in Washington are built upon the highest standards of propriety and sportsmanship and the Blaine wrestling team exemplifies those standards with honor, integrity and pride;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize winning team members, Nate Button, Morgan Rose, Jim Deming, Joe Queen, Troy Olason, Gary Abel, Rod Dohner, Tim Sanford, Jim Spencer, and Burr McPhail and congratulate them on their outstanding performances; and

BE IT FURTHER RESOLVED, That the House of Representatives also express its congratulations to Blaine Wrestling Coach, Randy Deming, for his outstanding leadership that led to the state crown.

Mr. Kremen moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 90-4765 was adopted.

HOUSE FLOOR RESOLUTION NO. 90-4764, by Representatives Kremen and Braddock

WHEREAS, High school sports in Washington have a rich tradition of excellence and are outstanding examples of sportsmanship, commitment, dedication and athletic achievement; and

WHEREAS, The Lynden Christian High School Lyncs Girl's Class A Basketball Team has demonstrated that excellence, dedication and achievement by completing a nearly perfect season, winning twenty-six games while losing just one; and

WHEREAS, The lady Lyncs continued the tradition of excellence by winning a state championship after beating a team from Omak by a score of 55-49 during the final game in the Tacoma Dome; and

WHEREAS, The Lynden team not only won the champion's trophy, but in each of its four tournament games also received sportsmanship medallion and won the overall tournament sportsmanship award by displaying the highest levels of courtesy, honesty, competitiveness and gamesmanship during the tournament games;

NOW, THEREFORE, BE IT RESOLVED, That Head Coach Curt DeHaan and Assistant Coaches, Nadine Carberry, Keven VanBerkum and Ken Roberts, and Athletic Director, Harlan Kredit, are recognized and honored by the Washington State House of Representatives for leading the Lynden Christian High School Girl's Basketball Team to its third State Class A Championship; and

BE IT FURTHER RESOLVED, That teammates Tanna Bos, Shannon Pecarish, Ralene Bajema, Sara Faber, Tawnia VanderVeen, Janelle VanderGriend, Kristin DeJone, Sally Shagren, Beth Hollander, Amy Wynstra, Julie Hendricks and Julie Honcoop are recognized and congratulated by the House of Representatives for their outstanding performance, along with Team Managers, Laura VerSteege and Denise Bajema; and

BE IT FURTHER RESOLVED, That Beth Hollander and Tanna Bos are congratulated and so recognized by the House of Representatives for being named to the all tournament team, and that they, their team, coaches and school are recognized for having epitomized the spirit of high school athletics and sportsmanship in the State of Washington.

Mr. Kremen moved adoption of the resolution. Representatives Kremen and Miller spoke in favor of the resolution.

House Floor Resolution No. 90-4764 was adopted.

Representatives Padden and Spanel appeared at the bar of the House.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 6031, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Todd moved that the House recede from its amendments to Substitute Senate Bill No. 6031. The motion was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker (Mr. Wang presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6031 without the House amendments.

POINT OF INQUIRY

Mr. Todd yielded to question by Mr. Anderson.

Mr. Anderson: Sections 7, 8 and 11 contain language that arguably is not embraced by the title of the bill. In the event of a judicial determination that there is a title problem here, is it intended that these sections be severable from the bill and that the remainder of the bill not be affected by their invalidity?

Mr. Todd: That is a very good question, Representative Anderson, and the answer is yes. The purpose of the bill is to provide for the new "motor-voter" registration program. Sections 7, 8 and 11 are not necessary for that program, and should a court decide that there is a title problem, then it is intended that the sections be treated as severable and that their invalidity not affect the remainder of the bill.

Representatives Todd and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6031 without the House amendments, and the bill passed the House by the following vote: Yeas, 95; excused, 2.

Voting yea: Representatives Anderson, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Former, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Appelwick, Vekich - 2.

Substitute Senate Bill No. 6031 without the House amendments, having received the constitutional majority, was declared passed.

The Speaker (Mr. Wang presiding) declared the House to be at ease until 3:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 3:30 p.m. Representatives Appelwick and Vekich appeared at the bar of the House.

MESSAGES FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has passed:

SENATE CONCURRENT RESOLUTION NO. 8440,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 7, 1990

Mr. Speaker:

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 2726, and passed the bill without said amendments, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 7, 1990

Mr. Speaker:

The President has signed:

SENATE BILL NO. 6164,
 SUBSTITUTE SENATE BILL NO. 6764,
 SUBSTITUTE SENATE BILL NO. 6771,
 SECOND SUBSTITUTE BILL NO. 6780,
 SUBSTITUTE SENATE BILL NO. 6868,
 SUBSTITUTE SENATE BILL NO. 6880,
 SENATE JOINT MEMORIAL NO. 8017,
 SENATE JOINT MEMORIAL NO. 8023,
 SUBSTITUTE HOUSE BILL NO. 1565,
 SECOND SUBSTITUTE HOUSE BILL NO. 1653,
 HOUSE BILL NO. 1957,
 HOUSE BILL NO. 2289,
 HOUSE BILL NO. 2306,
 HOUSE BILL NO. 2343,
 SUBSTITUTE HOUSE BILL NO. 2344,
 HOUSE BILL NO. 2345,
 SUBSTITUTE HOUSE BILL NO. 2375,
 HOUSE BILL NO. 2386,
 HOUSE BILL NO. 2445,
 SUBSTITUTE HOUSE BILL NO. 2476,
 HOUSE BILL NO. 2492,
 HOUSE BILL NO. 2705,
 HOUSE BILL NO. 2746,
 SUBSTITUTE HOUSE BILL NO. 2752,
 HOUSE BILL NO. 2761,
 HOUSE BILL NO. 2797,
 HOUSE BILL NO. 2855,
 SUBSTITUTE HOUSE BILL NO. 2940,
 HOUSE BILL NO. 2959,
 SECOND SUBSTITUTE HOUSE BILL NO. 2986,
 HOUSE BILL NO. 2989.

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced the Speaker had signed:

SUBSTITUTE SENATE BILL NO. 5013,

SENATE BILL NO. 5169,

SUBSTITUTE SENATE BILL NO. 5300.

SUBSTITUTE SENATE BILL NO. 6182,
 SUBSTITUTE SENATE BILL NO. 6195,
 SUBSTITUTE SENATE BILL NO. 6221,
 SENATE BILL NO. 6304,
 SECOND SUBSTITUTE SENATE BILL NO. 6310,
 SUBSTITUTE SENATE BILL NO. 6330,
 SENATE BILL NO. 6370,
 SENATE BILL NO. 6399,
 SUBSTITUTE SENATE BILL NO. 6474,
 SENATE BILL NO. 6528,
 SUBSTITUTE SENATE BILL NO. 6560,
 SENATE BILL NO. 6571,
 SENATE BILL NO. 6574,
 SUBSTITUTE SENATE BILL NO. 6575,
 SENATE BILL NO. 6577,
 SENATE BILL NO. 6583,
 SENATE BILL NO. 6652,
 SUBSTITUTE SENATE BILL NO. 6668,
 SUBSTITUTE SENATE BILL NO. 6681,
 SUBSTITUTE SENATE BILL NO. 6698,
 SUBSTITUTE SENATE BILL NO. 6700,
 SUBSTITUTE SENATE BILL NO. 6701,
 SUBSTITUTE SENATE BILL NO. 6726,
 SENATE BILL NO. 6727,
 SUBSTITUTE SENATE BILL NO. 6729,
 SENATE BILL NO. 6741,
 SENATE BILL NO. 6822,
 SUBSTITUTE SENATE BILL NO. 6827,
 SENATE BILL NO. 6839,
 SUBSTITUTE SENATE BILL NO. 6859.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 6501 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Newhouse, Hansen and Barr, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jesernig moved that the House grant the request of the Senate for a conference on Engrossed Substitute Senate Bill No. 6501. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Appelwick, Dellwo and Nealey as conferees on Engrossed Substitute Senate Bill No. 6501.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6499 with the House amendment on page 1, line 9.

W. D. Naismith, Assistant Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
 The Speaker called the House to order.

MESSAGE FROM THE SENATE

March 6, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 6253, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House refuse to recede, insist on its position regarding the House amendments to Senate Bill No. 6253 and ask the Senate to concur therein. The motion was carried.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 6408, and has granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Free Conference Committee, to whom was referred SENATE BILL NO. 6408, adopting the supplemental transportation budget, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Senate Bill No. 6408, today's Journal, Morning Session.)

Signed by Senators Patterson, Thorsness, Bender; Representatives R. Fisher, Cooper, Schmidt.

MOTION

Ms. R. Fisher moved that the House adopt the Report of the Free Conference Committee on Senate Bill No. 6408.

POINT OF ORDER

Ms. Brough: Thank you, Mr. Speaker. The report on Senate Bill No. 6408 has not been on our desks for twenty-four hours and there was not a formal motion made to suspend the rules to bring this before us. I think, Mr. Speaker, that it would be appropriate to have that formal motion in a parliamentary process so that we can have the bill properly before us. It is not my intent to challenge that, but the proper motion would be a suspension of the rules for consideration.

SPEAKER'S REPLY

The Speaker: Would you like the opportunity to make the motion, Representative Brough?

MOTION

On motion of Ms. Brough, House Rule 26 was suspended.

Ms. R. Fisher spoke in favor of the motion.

POINT OF INQUIRY

Ms. R. Fisher yielded to question by Mr. Smith.

Mr. Smith: Representative Fisher, Representative Glyn Chandler had a goal for Washington that many of us share. He wanted to see this state unified into a cohesive economically developed whole. He knew that the whole is only as strong as the sum of its parts. Consequently, he wanted all regions of the state to develop their individual characteristics to contribute to a more powerful Washington.

In the last year Glyn conceived the dream of capitalizing on the existing airport facility at Moses Lake where good weather permits planes to fly in and out all year round. In addition, this would be a way to alleviate the severe transportation problems created by the popularity of Washington's existing international SeaTac airport. Glyn saw all major population areas connected to this wayport by high-speed bullet trains that would transport travelers to the major centers of population more quickly than one can commute up or down the I-5 corridor today. Not only would this wayport provide an economic stable base for central Washington, but, at the same time, it would relieve congestion and noise pollution in the Puget Sound area. Lastly, because runways long enough for jets already exist in Moses Lake, he saw this as an efficient use of tax moneys.

Representative Fisher, does this supplemental transportation budget include funding for a study of Glyn Chandler's dream for a Moses Lake wayport and high-speed bullet train to major centers of population?

Ms. R. Fisher: Yes, Representative Smith. In Section 40 of Senate Bill No. 6408, we have created an air transportation commission consisting of twenty-two voting members who are interested in and affected by air transportation. We have directed this commission in Section 41 to study Washington's long-range air transportation policy including surface transportation, community impacts and efficient conveyance of passengers. Finally, in subsection (2) we have requested recommendations to the legislature on expansion of existing airport facilities and siting of new facilities. The commission shall consider the development of wayports to reduce congestion, as has been done in Japan and Germany, and shall examine high-speed rail transportation systems, preferably along existing rights of way. The commission shall submit an interim report to us by December 1, 1992.

Ms. Schmidt spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Senate Bill No. 6408 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6408 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 83; nays, 14.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Baugher, Beck, Bennett, Fuhrman, Hankins, Jesernig, Kirby, Morris, Myers H, Padden, Rector, Silver, Smith, Wolfe - 14.

Senate Bill No. 6408 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

The Speaker called on Representative Braddock to preside.

MESSAGE FROM THE SENATE

March 3, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 6664 and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Cantwell moved that the House refuse to recede from its amendments to Substitute Senate Bill No. 6664 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Braddock presiding) appointed Representatives Cantwell, Grant and Doty as conferees on Substitute Senate Bill No. 6664.

REPORT OF CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred SENATE BILL NO. 6303, enhancing pedestrian safety, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

The House Committee on Transportation amendments on page 1, line 22; page 4, line 32; and page 5, line 5 be adopted (For committee amendments, see Journal, 47th Day, February 23, 1990.), and

The amendment by Representative G. Fisher on page 6, line 16 be adopted (For amendment, see Journal, 54th Day, March 2, 1990.), and

The following amendments be adopted:

On page 7, after line 5, insert the following:

"Sec. 8. Section 52, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.370 are each amended to read as follows:

(1) The driver of a vehicle upon overtaking or meeting from either direction any school bus which has stopped on the ~~((highway))~~ roadway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in RCW 46.37.190 and said driver shall not proceed until such school bus resumes motion ~~((or is signaled by the school bus driver to proceed))~~ or the visual signals are no longer activated.

(2) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150 need not stop upon meeting a school bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging school children.

(3) The driver of a vehicle upon a highway with three or more marked traffic lanes need not stop upon meeting a school bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging school children.

~~((2))~~ Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190 which shall be actuated by) (4) The driver of ~~((said))~~ a school bus ~~((whenever but only whenever such vehicle))~~ shall actuate the visual signals required by RCW 46.37.190 only when such bus is stopped on the ~~((highway))~~ roadway for the purpose of receiving or discharging school children ~~((; except:~~

~~((a) When school children do not have to cross a highway and the bus is stopped completely off the main traveled portion of the roadway; or~~

~~((b) When the bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic control signal; or~~

~~((c) When the bus is stopped at school for the purpose of receiving or discharging school children and school children are not required to cross the roadway)).~~

~~((3))~~ (5) The driver of a ((vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150; need not stop upon meeting or passing a school bus which is on a separate roadway or when upon a limited-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway)) school bus may stop completely off the roadway for the purpose of receiving or discharging school children only when the school children do not have to cross the roadway. The school bus driver shall actuate the hazard warning lamps as defined in RCW 46.37.215 before loading or unloading school children at such stops.

Sec. 9. Section 8, chapter 100, Laws of 1970 ex. sess. and RCW 46.61.375 are each amended to read as follows:

(1) The driver of a vehicle upon overtaking or meeting from either direction any private carrier bus which has stopped on the ~~((highway))~~ roadway for the purpose of receiving or discharging any passenger shall stop the vehicle before reaching such private carrier bus when there is in operation on said bus a visual signal as specified in RCW 46.37.190 and said

driver shall not proceed until such bus resumes motion ((or is signaled by the bus driver to proceed)) or the visual signals are no longer activated.

(2) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150 need not stop upon meeting a private carrier bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging passengers.

(3) The driver of a vehicle upon a highway with three or more lanes need not stop upon meeting a private carrier bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging passengers.

((2) Every private carrier bus shall bear upon the front and rear thereof plainly visible signs containing the words 'PRIVATE CARRIER BUS' in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190 which shall be actuated by)) (4) The driver of ((said)) a private carrier bus ((whenever but only whenever such vehicle)) shall actuate the visual signals required by RCW 46.37.190 only when such bus is stopped on the ((highway)) roadway for the purpose of receiving or discharging passengers((-except:

(a) When the passengers boarding or alighting do not have to cross a highway and the bus is stopped completely off the main traveled portion of the roadway; or

(b) When the bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic control signal)).

((3)) (5) The driver of a ((vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150, need not stop upon meeting or passing a private carrier bus which is on a separate roadway or when upon a limited access highway and the private carrier bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway)) private carrier bus may stop a private carrier bus completely off the roadway for the purpose of receiving or discharging passengers only when the passengers do not have to cross the roadway. The private carrier bus driver shall actuate the hazard warning lamps as defined in RCW 46.37.215 before loading or unloading passengers at such stops.

NEW SECTION, Sec. 10. A new section is added to chapter 46.37 RCW to read as follows:

Every school bus and private carrier bus, in addition to any other equipment or distinctive markings required by this chapter, shall bear upon the front and rear thereof, above the windows thereof, plainly visible signs containing only the words 'school bus' on a school bus and only the words 'private carrier bus' on a private carrier bus in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190.

NEW SECTION, Sec. 11. A new section is added to Title 28A RCW to read as follows:

On highways divided into separate roadways as provided in RCW 46.61.150 and highways with three or more marked traffic lanes, public school district bus routes and private school bus routes shall serve each side of the highway so that students do not have to cross the highway, unless there is a traffic control signal as defined in RCW 46.04.600 or an adult crossing guard within three hundred feet of the bus stop to assist students while crossing such multiple-lane highways."

In line 1 of the title, after "pedestrians;" strike "and"

In line 2 of the title, after "46.61.250," strike "and 46.61.266," and insert "46.61.266, 46.61.370 and 46.61.375; adding a new section to chapter 46.37 RCW; and adding a new section to Title 28A RCW."

Signed by Senators von Reichbauer, Bender, Benitz; Representatives Bennett, R. Meyers, S. Wilson.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Senate Bill No. 6303 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 7, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SENATE BILL NO. 6411, establishing an employment training program, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

The House Committee on Trade & Economic Development amendments as amended be rejected (For amendments, see Journal, 47th Day, February 23, 1990, and 52nd Day, February 28, 1990.), and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that demographic and economic changes are causing an increasing shortage of well trained workers within Washington. The working age population is growing at a decreasing rate due to the aging of the post World War II baby boom generation and due to a lower rate of birth. The current economic boom in the state is aggravating this long-term trend by lowering the rate of unemployed individuals seeking work. Because of the developing labor shortage, Washington businesses increasingly need to employ individuals from demographic groups which have been traditionally underrepresented among the employed population. Many of these and other individuals need training in order to have the skills required by employers. Despite economic growth, significant unemployment remains a serious and persistent problem in many areas of the state. By making first rate training available to individuals who lack suitable skills for employment in well-paying careers, the state will enhance employment opportunities for low-income individuals, unemployed persons, dislocated workers, and others enabling more citizens of the state to enjoy our economic prosperity.

The legislature further finds that our state's businesses have a growing need for highly trained workers because of the increasing technological complexity of occupations and due to increasing world market competition. Because of these technical and economic changes, businesses in the future will need to fully utilize the capacities of their workers for skilled, flexible, and intelligent work.

The legislature further finds that the vast majority of the work force for the year 2000 and beyond is already of the age eighteen years or older. For the work force of the future to be well trained will require a first-rate adult training system. This system will need to train those individuals who are entering and reentering the labor market and those individuals already employed who need new or updated skills to meet changing technological and economic conditions. For the training system to be first rate will require a system that is well coordinated between service providers, is accountable for its performance, and is responsive to the needs of businesses and the work force. The legislature recognizes the importance of designing a system of vocational education that can accommodate change and includes program evaluation and coordination. The training system must emphasize training in broad-based skills with long-term career potential. For the state to have a first rate training system requires a thorough study of our present and future training needs; experimentation in new ways of providing training; and leadership and recommendations from representatives of business, workers, and training providers.

The legislature further finds that adults without the basic skills needed for training in job skills are more likely to need unemployment compensation and welfare payments, and to fill our state's correctional institutions. The legislature intends to assess adult educational opportunities in the state for adults lacking basic literacy skills, for adults who have not received a high school diploma, and for adults who have received a high school diploma but whose level of achievement, based on standard measures, indicates that additional basic skills are necessary in order to enter a job training program.

The legislature recognizes that successful implementation of the study recommendations called for in section 4 of this act is directly related to resolving the issue of vocational education governance. Therefore, it is the intent of the legislature that the governance of the first two years of postsecondary education not under the jurisdiction of a four-year institution of higher education be the responsibility of one state agency to provide high quality education, to avoid duplication of programs, and to assure increased access to vocational programs for all students including youth and adults.

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

(1) 'Basic literacy' means achievement at a tenth grade educational level as measured by standardized tests.

(2) 'Council' means the advisory council on investment in human capital.

(3) 'Training' means any education, literacy, or skill training or retraining activity that is needed by an individual to begin or continue full participation in the Washington work force.

(4) 'Training system' means the network of public and private providers of training, and includes secondary vocational education programs for gainful employment upon completion of a designated program sequence, but not other programs of primary or secondary education.

(5) 'Training providers' includes agencies and institutions of secondary vocational education programs for gainful employment upon completion of a designated program sequence, adult education, vocational technical institutes, community colleges, apprenticeship programs, private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training services, and private for-profit organizations that provide training as their primary service.

(6) 'Work force' means all persons of working age including those who are currently gainfully employed and those who are not.

NEW SECTION. Sec. 3. (1) There is created the advisory council on investment in human capital. The council shall consist of six voting members, thirteen nonvoting members, and a

nonvoting chairperson. The governor shall appoint the members of the council except for the legislative members. Three of the voting members shall be representatives of business, and three of the voting members shall be representatives of labor. The thirteen nonvoting members shall be a member from each of the two major caucuses in the house of representatives appointed by the speaker of the house, a member from each of the two major caucuses in the senate appointed by the president of the senate, the state superintendent of public instruction or the superintendent's designee, the executive director of the state board for community college education or the director's designee, the commissioner of the department of employment security or the commissioner's designee, the director of the department of labor and industries or the director's designee, a representative of the council of vocational technical institutes, a representative of the general public, a representative of a broad-based coalition of groups providing literacy services, a representative of private or public nonprofit organizations that are representative of communities or significant segments of communities and provide job training services, and a representative of private for-profit organizations which provide job training services as their primary service. The representative of the council of vocational technical institutes shall consult with vocational technical institute directors, instructors, and advisory council members to prepare policies and plans to implement the recommendations called for in section 4(11) of this act. The governor or the governor's designee shall serve as the nonvoting chairperson of the council.

(2) The council shall advise the office of financial management concerning the study of training authorized under section 4 of this act.

(3) The council shall advise the office of financial management and other appropriate state agencies concerning the pilot programs established under section 5 of this act.

(4) The council shall make recommendations on changes necessary in state policies for training to the office of financial management and to the governor by December 1, 1990.

(5) The office of financial management and the office of the governor shall provide staff to the council as necessary to carry out the purposes of this act.

(6) The council shall meet as necessary to carry out the purposes of this act, and council members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060, or 44.04.120.

NEW SECTION. Sec. 4. (1) The office of financial management shall, with the advice of the council, administer a study of the training needs of the state's work force, businesses, and the economy, including an evaluation of the training system. The office of financial management shall complete the study by December 1, 1990, and present the study to the council and governor. For purposes of the study, the office of financial management shall use already existing data whenever appropriate. As necessary, the labor market and economic analysis unit of the department of employment security shall assist the office of financial management with labor market and economic data, and state agencies that provide training shall assist the office of financial management with data on their training programs. The director of the office of financial management may contract for services necessary for the completion of the study, and shall contract for services as necessary to ensure objectivity in evaluating the training system. The study shall include:

(2) An assessment of the employment competency needs of the present Washington work force, including regional and demographic subgroups of the state work force, and projections of these competencies to the year 2010. Employment competency needs shall include, but not be limited to, literacy, basic skills, and vocational skills;

(3) An assessment of the current work force skill needs of Washington businesses and public employers, including subgroups by region, industry, and firm size, and projections of these needs to the year 2010. Work force skill needs shall include, but not be limited to, literacy, basic skills, and vocational skills;

(4) An assessment of the gaps which may exist between the competencies of the work force and the work force skill needs of Washington businesses between now and the year 2010 given current training policies;

(5) An assessment of the characteristics, size, and geographic distribution of Washington population groups which are in need of training between now and the year 2010;

(6) An inventory and analysis of alternative training programs, policies, and funding mechanisms including, but not limited to, financial contributions from businesses, workers, and trainees, which have been proposed or are in use in other states or other nations;

(7) An assessment of current data, information, monitoring, and evaluation systems so that training needs and training providers may be assessed on an ongoing, systematic, objective, and comprehensive basis. This assessment shall include integrating an evaluation component into each of the pilot programs authorized under section 5 of this act;

(8) An inventory and analysis of the current training system in terms of organization, including the governance of vocational technical institutes, coordination, responsiveness, accountability, effectiveness, resources, support services for trainees, including but not limited to child care, and access, including access for subgroups of the population, including but not limited to subgroups by gender, race, ethnicity, and income level, and including an analysis of the job readiness of students graduating from the state's K-12 system who have completed a

vocational education designated program sequence for gainful employment, and an inventory of training provided by employers whose primary product is not training;

(9) An analysis of current training programs to enable women and minorities to enter occupations and industries in which women and minorities have traditionally been underrepresented, and ways of improving such training;

(10) Recommendations for reducing the percentage of the adult population lacking basic literacy skills to five percent by the year 2010. The recommendations shall provide a framework for interagency collaboration and include:

(a) Recommendations on state policies and objectives to guide the adult literacy activities of the state;

(b) Recommendations on strategies and criteria for coordinating and enhancing adult literacy activities, programs, and services to achieve recommended state policies and objectives, meet the basic skill needs of the adult population, and maximize available state and local resources and expertise devoted to literacy training;

(c) Recommendations on methods to identify and recruit adults lacking basic literacy skills for placement in literacy training programs; and

(d) Recommendations on evaluation criteria to be used to assess literacy program successes and monitor compliance with recommended state policies and objectives;

(11) Recommendations on improving the overall governance of vocational education in this state, including but not limited to:

(a) Recommendations regarding establishing new state agencies or designating existing agencies to be responsible for coordinating vocational education;

(b) A specific recommendation identifying one agency as the governing body for all post-secondary vocational education and the first two years of postsecondary education not under the jurisdiction of a four-year institution of higher education, including identification of the elements necessary to implement this recommendation;

(c) Recommendations on who should be assigned responsibility for those duties assigned by statute and delegated by executive order to the coordinating council for occupational education, the commission for vocational education, the state board for vocational education, the job training councils of the employment security department, and the council on vocational education; and

(d) Determination of ways to effectively develop a comprehensive state plan for vocational education and coordinate vocational education programs;

(12) Recommendations for accountability at the state level for the Washington Institute of applied technology and alternative methods for governance; and

(13) Recommendations on changes in the training system, including but not limited to ways of improving coordination and integration to meet the present and future needs of the work force, businesses, and the economy.

NEW SECTION. Sec. 5. (1) The office of financial management and the office of the governor, with the advice of the council, shall oversee the pilot programs for job training. The pilot programs shall test means of integrating delivery systems and improving the responsiveness of training providers to the needs of businesses and the work force. Each pilot program shall integrate an evaluation component in conjunction with the study conducted under section 4 of this act.

(2) The state board for community college education shall, in cooperation with the office of financial management, administer pilot programs which provide additional community college training programs incorporating new means of responding to the needs of businesses and the work force. The state board for community college education shall, as appropriate, coordinate these projects with the economic development services provided by the department of trade and economic development and the employment security department. The state board for community college education may hire up to thirteen and one-half full time equivalent employees to carry out the pilot programs under this subsection.

(3) The employment security department shall conduct a pilot program for the provision of training and access to related services for workers in timber or wood products industries who have been dislocated from rural firms, or for workers dislocated from rural firms, employing fifty or fewer persons on a full-time basis.

(4) The employment security department shall, in cooperation with the office of financial management and other appropriate state agencies, administer a pilot program on integrating training services with programs for substance abuse prevention and or treatment for youth.

(5) The superintendent of public instruction shall administer a pilot program on integrating adult education instruction within vocational technical institutes. Under this pilot program the vocational technical institutes shall provide two hundred thousand additional hours of adult education instruction.

(6) If all the pilot programs in subsections (2) through (5) of this section are not funded in the 1990 supplemental omnibus appropriations act, the advisory council shall recommend to the governor how to prioritize the pilot projects under this section, and shall also recommend the level of funding for each pilot project.

NEW SECTION. Sec. 6. (1) The legislature finds that school districts may provide vocational education programs for students more effectively through cooperatives using existing district facilities, facilities at work sites, and facilities including but not limited to mobile instructional units, distance learning, and computers, without the need to construct separate facilities. It is the intent of the legislature to encourage such cooperatives among school districts on a demonstration basis.

(2) The superintendent of public instruction may establish a grant award program to establish demonstration vocational cooperatives for the purposes of subsections (1) through (7) of this section. Grants may be awarded for not more than three projects. The cooperatives approved should include projects in urban and rural areas and districts of varying characteristics and size.

(3) Initial applications to participate in the demonstration vocational cooperative program shall be submitted to the superintendent of public instruction not later than June 30, 1990. Each application shall contain a proposed plan that:

- (a) Explains how the plan meets the criteria;
- (b) Describes specific activities to be carried out;
- (c) Identifies the evaluation processes to be used; and
- (d) Includes a copy of the agreement for joint cooperative action pursuant to chapter 39.34 RCW.

(4) The superintendent of public instruction shall administer subsections (1) through (7) of this section subject to legislative appropriation for this purpose. The superintendent shall approve requests based on criteria established by the superintendent and notify districts of grant awards on or before August 1, 1990. The demonstration vocational cooperative projects shall begin with the 1990-91 school year. The grant awards may be continued for up to five years if the funds are so provided.

(5) The grant awards for such demonstration vocational cooperatives shall be based on an allocation which includes:

- (a) The same amount as would be calculated pursuant to RCW 28A.41.140 for a skill center with the same full time equivalent enrollment; and
- (b) An amount to compensate the serving districts for costs to administer the cooperatives pursuant to standards established by the superintendent of public instruction.

(6) Following the completion of each year of operation, each demonstration vocational cooperative shall submit an evaluation of the cooperative program to the superintendent of public instruction in accordance with requirements of the superintendent. On or before July 1, 1992, the superintendent of public instruction shall submit a report to the education committees and the economic development committees of the house of representatives and the senate including the cooperative evaluations and recommendations concerning the continuation of this program.

(7) The superintendent of public instruction shall adopt rules under chapter 34.05 RCW if necessary to implement the superintendent's duties under subsections (1) through (6) of this section.

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 shall expire on July 1, 1991.

NEW SECTION. Sec. 9. (1) If funding for the purposes of section 4 of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, section 4 of this act shall be null and void.

(2) If funding is not provided for the purposes of section 5 of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, section 5 of this act shall be null and void.

(3) If specific funding for the purposes of section 6 of this act, referencing this act by bill number, is not provided by June 30, 1990, in the supplemental omnibus appropriations act, section 6 of this act shall be null and void.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "capital," strike the remainder of the title and insert "creating new sections; providing an expiration date; and declaring an emergency."

Signed by Senators Lee, Saling, Smitherman; Representatives Cantwell, Rector, Doty.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Senate Bill No. 6411 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 6418, expanding rural health care opportunities, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

All previous amendments be rejected, and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

*PART I

NEW SECTION, Sec. 1. The legislature finds that a health care access problem exists in rural areas of the state due to a lack of practicing physicians, physician assistants, pharmacists, and advanced registered nurse practitioners. In addition, many of these rural providers are unable to leave the community for short-term periods of time to attend required continuing education training or for personal matters because their absence would leave the community without adequate medical care coverage. The lack of adequate medical coverage in geographically remote rural communities constitutes a threat to the health and safety of the people in those communities.

The legislature declares that it is in the public interest to recruit and maintain a pool of physicians, physician assistants, pharmacists, and advanced registered nurse practitioners willing and able on short notice to practice in rural communities on a short-term basis to meet the medical needs of the community.

NEW SECTION, Sec. 2. The department shall establish the health professional temporary substitute resource pool. The purpose of the pool is to provide short-term physician, physician assistant, pharmacist, and advanced registered nurse practitioner personnel to rural communities where these health care providers:

- (1) Are unavailable due to provider shortages;
- (2) Need time off from practice to attend continuing education and other training programs; and
- (3) Need time off from practice to attend to personal matters or recover from illness.

The health professional temporary substitute resource pool is intended to provide short-term assistance and should complement active health provider recruitment efforts by rural communities where shortages exist.

NEW SECTION, Sec. 3. (1) The department, in cooperation with University of Washington school of medicine, the state's registered nursing programs, the state's pharmacy programs, and other appropriate public and private agencies and associations, shall develop and keep current a register of physicians, physician assistants, pharmacists, and advanced registered nurse practitioners who are available to practice on a short-term basis in rural communities of the state. The department shall periodically screen individuals on the registry for violations of the uniform disciplinary act as authorized in chapter 18.130 RCW. If a finding of unprofessional conduct has been made by the appropriate disciplinary authority against any individual on the registry, the name of that individual shall be removed from the registry and that person shall be made ineligible for the program. The department shall include a list of back-up physicians and hospitals who can provide support to health care providers in the pool. The register shall be compiled, published, and made available to all rural hospitals, public health departments and districts, rural pharmacies, and other appropriate public and private agencies and associations. The department shall coordinate with existing entities involved in health professional recruitment when developing the registry for the health professional temporary substitute resource pool.

(2) Eligible health care professionals are those licensed under chapters 18.57, 18.57A, 18.64, 18.71, and 18.71A RCW and advanced registered nurse practitioners licensed under chapter 18.88 RCW.

(3) Participating health care professionals shall receive:

(a) Reimbursement for travel to and from the rural community and for lodging at a rate determined under RCW 43.03.050 and 43.03.060;

(b) Medical malpractice insurance purchased by the department, or the department may reimburse participants for medical malpractice insurance premium costs for medical liability while providing health care services in the program, if the services provided are not covered by the participant's or local provider's existing medical malpractice insurance; and

(c) Information on back-up support from other physicians and hospitals in the area to the extent necessary and available.

(4) The department may require rural communities to participate in health professional recruitment programs as a condition for providing a temporary substitute health care professional if the community does not have adequate permanent health care personnel. To the

extent deemed appropriate and subject to funding, the department may also require communities to participate in other programs or projects, such as the rural health system project authorized in chapter 70.175 RCW, that are designed to assist communities to reorganize the delivery of rural health care services.

(5) The department may require a community match for assistance provided in subsection (3) of this section if it determines that adequate community resources exist.

(6) The maximum continuous period of time a participating health professional may serve in a community is ninety days. The department may modify or waive this limitation should it determine that the health and safety of the community warrants a waiver or modification. The community shall be responsible for all salary expenses of participating health professionals.

NEW SECTION. Sec. 4. (1) Requests for a temporary substitute health care professional may be made to the department by the local rural hospital, public health department or district, community health clinic, local practicing physician, physician assistant, pharmacist, or advanced registered nurse practitioner, or local city or county government.

(2) The department shall:

(a) Establish a manner and form for receiving requests;

(b) Minimize paperwork and compliance requirements for participant health care professionals and entities requesting assistance; and

(c) Respond promptly to all requests for assistance.

(3) The department may apply for, receive, and accept gifts and other payments, including property and services, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts to operate the pool. The department shall make available upon request to the appropriate legislative committees information concerning the source, amount, and use of such gifts or payments.

PART II

NEW SECTION. Sec. 5. The legislature finds that the lack of primary care physicians in some rural areas of the state and the critical shortage of maternity care services adversely affect access to basic health care services. Rural areas often require more services because the health care needs are greater due to poverty or because these areas are difficult to service due to geographic circumstances. The legislature further finds that encouraging primary care physicians to serve in rural areas of the state and midwives to serve in midwife shortage areas is essential to assure continued access to basic health care services. Studies suggest that physicians recruited from rural areas or physicians who have resident and intern experience in a rural setting tend to make a long-term commitment as rural physicians. The legislature declares that whenever possible rural communities should take an active part in identifying prospective medical students from the local rural community or other rural areas. In this way the community and the prospective physician can form a mutual commitment prior to the individual acquiring a medical education.

The legislature further finds that midwives serve as an important provider of prenatal, interpartum, and postpartum care. Training individuals to become midwives can serve to address the current shortage of providers. The legislature declares that it is in the best interest of the people in this state to promote the availability of midwife services through activities that lead to the recruitment and training of midwives. The legislature further finds that the availability of pharmacy services in rural areas is important to assure that rural people have access to needed medications to support good health.

NEW SECTION. Sec. 6. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Board' means the higher education coordinating board.

(2) 'Department' means the department of health.

(3) 'Eligible expenses' means legitimate expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses determined by the department.

(4) 'Eligible student' means a student who has been accepted into: (a) A program leading to eligibility for licensure as a physician under chapter 18.71 RCW or osteopathic physician or surgeon under chapter 18.57 RCW, and has a declared intention to serve as a primary care physician in a rural area in the state of Washington upon completion of the educational program; (b) a program leading to eligibility for licensure as a midwife under chapter 18.50 RCW, or certification by a graduate nurse training program as an advanced registered nurse practitioner certified nurse midwife, licensed as a registered nurse under chapter 18.88 RCW and has a declared intention to serve as a midwife in a midwife shortage area in the state of Washington upon completion of the education program; or (c) a program leading to eligibility for licensure under chapter 18.64 RCW and has declared an intention to serve as a pharmacist in a pharmacist shortage area of the state.

(5) 'Forgiven' or 'to forgive' or 'forgiveness' means to render physician services in a rural area, pharmacy services in a pharmacist shortage area, or midwifery services in a midwife shortage area in the state of Washington in lieu of monetary repayment.

(6) 'Medical school' means a medical school or school of osteopathic medicine and surgery accredited by an accrediting association recognized as such in rule by the department.

(7) 'Midwife shortage area' means a geographic area of the state of Washington where: (a) Maternity services are in short supply to the extent to jeopardize favorable birth outcomes for babies born in the area, and (b) midwifery services could help alleviate the shortage. The department shall identify midwife shortage areas consistent with the state-wide midwife access plan provided for in section 16 of this act.

(8) 'Midwife training program' means a training program that leads to licensure as a midwife in the state of Washington or certification as a nurse-midwife who is qualified to practice as an advanced registered nurse practitioner under chapter 18.88 RCW. The department shall approve training programs by rule under chapter 34.05 RCW.

(9) 'Nonshortage rural area' means a nonurban area of the state of Washington that has not been designated as a rural physician shortage area. The department shall identify the nonshortage rural areas of the state.

(10) 'Participant' means an eligible student who has received a scholarship under this chapter.

(11) 'Pharmacy school' means a pharmacy school accredited by an accrediting association recognized as such in rule by the department.

(12) 'Pharmacist shortage area' means a rural area where pharmacists are in short supply and where their limited numbers jeopardize the public health and safety.

(13) 'Program' means the rural physician, pharmacist, and midwife scholarship program.

(14) 'Prospective medical student' means an individual identified by a sponsoring community who is seeking admission to a school of medicine or osteopathic school of medicine.

(15) 'Rural areas' means a rural area in the state of Washington as identified by the department.

(16) 'Rural physician shortage area' means rural geographic areas where primary care physicians are in short supply as a result of geographic maldistributions and where their limited numbers jeopardize patient care and pose a threat to public health and safety. The department shall designate rural physician shortage areas.

(17) 'Satisfied' means paid-in-full.

(18) 'Scholarship' means a loan that is forgiven in whole or in part if the recipient renders: (a) Physician service as a primary care physician in a rural area of the state; (b) midwifery services as a licensed midwife or certified nurse midwife in a midwife shortage area; or (c) pharmacy services as a pharmacist in a pharmacist shortage area.

(19) 'Sponsoring community' means a rural hospital or hospitals as authorized in chapter 70.41 RCW, a rural health care facility or facilities as authorized in chapter 70.175 RCW, or a city or county government or governments.

NEW SECTION. Sec. 7. The rural physician, pharmacist, and midwife scholarship program is established for students pursuing medical and midwifery training. The program shall be administered by the board in consultation with the department, the school of medicine at the University of Washington and other appropriate private and public entities. In administering the program, the board shall have the following powers and duties:

(1) Select students to receive scholarships to attend schools of medicine, schools of osteopathic medicine, schools of pharmacy, or training programs in midwifery with the assistance of a screening committee;

(2) Adopt rules and guidelines to implement this chapter;

(3) Publicize the program, particularly emphasizing individuals residing in rural shortage areas, pharmacist shortage areas, and midwifery shortage rural areas of the state;

(4) Collect and manage repayments from students who do not meet their services obligations under this chapter;

(5) Solicit and accept grants and donations from public and private sources for the program; and

(6) Develop criteria for a contract for service in lieu of the five-year service where appropriate, that may be a combination of service and payment.

NEW SECTION. Sec. 8. (1) The board shall establish a planning committee to develop criteria for the screening and selection of recipients of the scholarships. The planning committee shall be comprised of at least representatives from the following entities: Rural physicians and hospitals, health care clinics, local health districts and departments, agencies involved in physician recruitment, the department, the University of Washington school of medicine, licensed and certified nurse midwives, pharmacists, and other entities involved in rural health and midwifery issues.

(2) For prospective physicians, the selection criteria shall include requirements that recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in rural areas of the state prior to admission to the medical training program. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area.

(3) For prospective midwives, the selection criteria shall include requirements that the recipient declare an interest in serving in midwife shortage areas of the state of Washington.

(4) For prospective pharmacists, the selection shall include requirements that recipients declare an interest in serving in pharmacist shortage areas of the state of Washington.

NEW SECTION, Sec. 9. A new section is added to Title 28B RCW to read as follows:

The school of medicine at the University of Washington shall develop and implement a policy to grant admission preference to prospective medical students from rural areas of the state who agree to serve for at least five years as primary care physicians in rural areas of Washington after completion of their medical education and have applied for and meet the qualifications of the program under section 7 of this act. Should the school of medicine be unable to fill any or all of the admission openings due to a lack of applicants from rural areas who meet minimum qualifications for study at the medical school, it may admit students not eligible for preferential admission under this section.

NEW SECTION, Sec. 10. The board may award 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. Scholarships for physicians may be awarded contingent upon acceptance to a medical school. The amount of the scholarship awarded an individual shall not exceed fifteen thousand dollars per academic year for physicians and four thousand dollars per academic year for midwives and pharmacists. Scholarship awards are intended to meet the eligible financial expenses of eligible students. Students are eligible to receive scholarships for a maximum of five years for physicians and three years for pharmacists and midwives while continually enrolled in an approved medical school, pharmacy school, or midwifery training program. The board may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area.

NEW SECTION, Sec. 11. The department may provide technical assistance to rural communities desiring to become sponsoring communities. Such assistance should include, but not be limited to: The identification of prospective students, assisting prospective students to apply to medical school, pharmacy school, and midwifery training programs, making formal agreements with prospective medical students to provide future primary care physician services in the community, forming agreements between rural communities in a service area to share physician, pharmacy, and midwifery services, and fulfilling any matching requirements.

NEW SECTION, Sec. 12. In providing health care services the participant shall not discriminate against any person on the basis of the person's ability to pay for such services or because payment for the health care services provided to such persons will be made under the insurance program established under part A or B of Title XVIII of the federal social security act or under a state plan for medical assistance including Title XIX of the federal social security act and agrees to accept assignment under section 18.42(b)(3)(B)(ii) of such act for all services for which payment may be made under part B of Title XVIII and enters into an appropriate agreement with the department of social and health services for medical assistance under Title XIX to provide services to individuals entitled to medical assistance under the plan. Participants found by the board or the department in violation of this section shall be declared ineligible for receiving assistance under the program authorized by this chapter.

NEW SECTION, Sec. 13. (1) Participants in the program incur an obligation to repay the scholarship, with interest set by state law, unless they serve for five years in rural areas, pharmacist shortage areas, or midwife shortage areas of the state of Washington.

(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 three years, with payments accruing quarterly commencing nine months from the date the participant completes or discontinues the course of study or completes or discontinues the required residency.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant serves in a rural area, pharmacist shortage area, or midwife shortage area until the entire repayment obligation is satisfied or the borrower ceases to so serve. Should the participant cease to serve in a rural area, pharmacist shortage area, or midwife shortage area of 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. Except for circumstances beyond their control, participants who serve less than five years shall be obliged to repay to the program an amount equal to twice the total amount paid by the program on their behalf in addition to the unsatisfied portion of principal and interest required by this section.

(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 ensure 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 board and shall be used to cover the costs of granting the 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 scholarships to eligible students.

(7) Sponsoring communities who financially contribute to the eligible financial expenses of eligible medical students may enter into agreements with the student to require repayment should the student not serve the minimum of five years in the community as a primary care physician. The board may develop criteria for the content of such agreements with respect to reasonable provisions and obligations between communities and eligible students.

(8) The board may make exceptions to the conditions for participation and repayment obligations should circumstances beyond the control of individual participants warrant such exceptions.

NEW SECTION. Sec. 14. The legislature finds that a shortage of physicians, nurses, pharmacists, and physician assistants exists in rural areas of the state. In addition, many education programs to train these health care providers do not include options for practical training experience in rural settings. As a result, many health care providers find their current training does not prepare them for the unique demands of rural practice.

The legislature declares that the availability of rural training opportunities as a part of professional medical, nursing, pharmacist, and physician assistant education would provide needed practical experience, serve to attract providers to rural areas, and help address the current shortage of these providers in rural Washington.

NEW SECTION. Sec. 15. (1) The department, in consultation with at least the higher education coordinating board, the state board for community college education, the superintendent of public instruction, and state-supported education programs in medicine, pharmacy, and nursing, shall develop a plan for increasing rural training opportunities for students in medicine, pharmacy, and nursing. The plan shall provide for direct exposure to rural health professional practice conditions for students planning careers in medicine, pharmacy, and nursing.

(2) The department and the medical, pharmacy, and nurse education programs shall:

(a) Inventory existing rural-based clinical experience programs, including internships, clerkships, residencies, and other training opportunities available to students pursuing degrees in nursing, pharmacy, and medicine;

(b) Identify where training opportunities do not currently exist and are needed;

(c) Develop recommendations for improving the availability of rural training opportunities;

(d) Develop recommendations on establishing agreements between education programs to assure that all students in medical, pharmacist, and nurse education programs in the state have access to rural training opportunities; and

(e) Review private and public funding sources to finance rural-based training opportunities.

(3) The department shall report to the house of representatives and senate standing committees on health care by December 1, 1990, with their findings and recommendations including needed legislative changes.

NEW SECTION. Sec. 16. The department, in consultation with training programs that lead to licensure in midwifery and certification as a certified nurse midwife, and other appropriate private and public groups, shall develop a state-wide plan to address access to midwifery services.

The plan shall include at least the following: (1) Identification of maternity service shortage areas in the state where midwives could reduce the shortage of services; (2) an inventory of current training programs and preceptorship activities available to train licensed and certified nurse midwives; (3) identification of gaps in the availability of training due to such factors as geographic or economic conditions that prevent individuals from seeking training; (4) identification of other barriers to utilizing midwives; (5) identification of strategies to train future midwives such as developing training programs at community colleges and universities, using innovative telecommunications for training in rural areas, and establishing preceptorship programs accessible to prospective midwives in shortage areas; (6) development of recruitment strategies; and (7) estimates of expected costs associated in recruitment and training.

The plan shall identify the most expeditious and cost-efficient manner to recruit and train midwives to meet the current shortages. Plan development and implementation shall be coordinated with other state policy efforts directed toward, but not limited to, maternity care access, rural health care system organization, and provider recruitment for shortage and medically underserved areas of the state.

The department shall submit a copy of the plan to the senate and house of representatives health care committees by December 1, 1990.

NEW SECTION. Sec. 17. By September 1, 1995, the department shall review the continuing need for the program and recommend the need for its continuation. It shall report its findings to the senate and house of representatives committees on health care by December 1, 1995.

NEW SECTION. Sec. 18. A new section is added to chapter 70.175 RCW to read as follows:

The department may develop and implement a rural health care plan and may approve hospital and rural health care facility requests to be designated as essential access community hospitals or rural primary care hospitals so that such facilities may form rural health networks to preserve health care services in rural areas and thereby be eligible for federal program funding and enhanced medicare reimbursement.

NEW SECTION, Sec. 19. After consulting with the higher education coordinating board, the governor may transfer the administration of the rural physician, pharmacist, and midwife scholarship program to another agency with an appropriate educational mission.

PART III

NEW SECTION, Sec. 20. The legislature finds that the residents of rural communities are having difficulties in locating and purchasing affordable health insurance. The legislature further finds that many rural communities have sufficient funds to pay for needed services, but those funds are being expended elsewhere causing insufficient funding of local health services. As part of the solution to this problem, rural communities need to be able to structure the financing of local health services to better serve local residents. The legislature further finds that as rural communities need well financed and organized health care, it is in the interest of residents of rural communities that existing unauthorized entities comply with appropriate fiscal solvency standards and consumer safeguards, and that those entities be given an opportunity to come into compliance with existing state laws.

NEW SECTION, Sec. 21. The insurance commissioner shall establish a committee to recommend to the governor and legislature methods to improve the availability of affordable health insurance or coverage in rural communities. The recommendations shall consider (1) the unique and varied nature of rural communities, (2) methods to maximize the retention of local health expenditures in rural communities, (3) the need of rural communities to have sufficient control over the health services in their communities so that they may improve the quality and have the appropriate quantity of those health services, (4) financial stability and consumer protection issues, and (5) the feasibility of such recommendations. The committee shall examine methods of improving the way currently authorized carriers address rural health issues and shall examine the use of alternative arrangements specifically adapted to rural communities including, but not limited to, the use of local service contractors in combination with other entities authorized under Title 48 RCW.

The committee shall include the insurance commissioner or the commissioner's designee and representatives of rural communities, rural health providers, entities authorized under title 48 RCW, the department of health, and other individuals, as appointed by the insurance commissioner.

These recommendations shall be submitted to the governor and legislature no later than November 1, 1990.

The committee established under this section shall dissolve on January 1, 1991.

NEW SECTION, Sec. 22. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Rural community' means any grouping of consumers, seventy-five percent of whom reside in areas outside of a standard metropolitan statistical area as defined by the United States bureau of census.

(2) 'Consumer' means any person enrolled and eligible to receive benefits in the rural health care arrangement.

(3) 'Rural health care service arrangement' or 'arrangement' means any arrangement which is established or maintained for the purpose of offering or providing through the purchase of insurance or otherwise, medical, surgical, or hospital care or benefits in the event of sickness, accident, or disability in a rural community, as defined in this section, that is subject to the jurisdiction of the insurance commissioner but is not now a currently authorized carrier.

NEW SECTION, Sec. 23. Rural health care service arrangements existing on the effective date of this act may continue in full operation only so long as they comply with all of the following:

(1) Within ten days following the effective date of this act, all rural health care service arrangements shall inform the insurance commissioner of their intent to apply for approval to operate as an entity authorized under chapter 48.44 RCW or intend to merge with an entity authorized under Title 48 RCW or merge with an entity defined in this section;

(2) The arrangement submits an application for approval as an entity authorized under chapter 48.44 RCW by May 1, 1990;

(3) The arrangement has one hundred thousand dollars on deposit with the insurance commissioner by July 1, 1990;

(4) The arrangement has one hundred fifty thousand dollars on deposit with the insurance commissioner by September 1, 1990; and

(5) The arrangement complies with all reasonable requirements of the insurance commissioner excluding the deposit requirement, except as outlined in this section.

If such rural health care service arrangements fail to comply with any of the above requirements, or if during the application process an entity engages in any activities which the insurance commissioner reasonably determines may cause imminent harm to consumers, the

entity may be subject to appropriate legal action by the insurance commissioner pursuant to the authority provided in Title 48 RCW.

A rural health care service arrangement which comes into compliance with Title 48 RCW through the method outlined in this chapter shall be subject to all applicable requirements of Title 48 RCW except that the deposit requirements shall not be increased until May 1, 1991.

NEW SECTION. Sec. 24. The insurance commissioner, pursuant to chapter 34.05 RCW, may promulgate rules to implement sections 22 and 23 of this act.

NEW SECTION. Sec. 25. The sum of forty-nine thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the insurance commissioner for the purposes of section 21 of this act.

NEW SECTION. Sec. 26. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 27. Sections 20 through 24 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 28. Any additional expenditures incurred by the University of Washington from provisions of this act shall be funded from existing financial resources.

NEW SECTION. Sec. 29. Sections 1 through 8, 10 through 17, 19 and 28 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 30. If specific funding for the purposes of sections 1 through 19 of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, sections 1 through 19 of this act shall be null and void."

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "adding a new section to Title 28B RCW; adding a new section to chapter 70.175 RCW; adding a new chapter to Title 70 RCW; adding a new chapter to Title 48 RCW; creating new sections; making an appropriation; and declaring an emergency."

Signed by Senators West, Kreidler, Barr; Representatives Braddock, Kirby, Brooks.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Second Substitute Senate Bill No. 6418 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6537, providing for foster care reform and making appropriations, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

The House Committee on Human Services amendments as amended be adopted (For amendments, see Journal, 47th Day, February 23, 1990, and 50th Day, February 26, 1990.), and

The following amendments be adopted:

On page 17 of the amendment, after line 36, insert the following:

"Sec. 31. Section 30, chapter 291, Laws of 1977 ex. sess. as amended by section 2, chapter 524, Laws of 1987 and RCW 13.34.020 are each amended to read as follows:

The legislature declares that the family unit is a fundamental resource of American life which should be nurtured. Toward the continuance of this principle, the legislature declares that the family unit should remain intact unless a child's right to conditions of basic nurture, health, or safety is jeopardized. When the rights of basic nurture, physical and mental health, and safety of the child and the legal rights of the parents are in conflict, the rights and safety of the child should prevail. The right of a child to basic nurturing includes the right to a safe, stable, and permanent home and a speedy resolution of any proceeding under this chapter.

Sec. 32. Section 17, chapter 17, Laws of 1989 1st ex. sess. and RCW 13.34.130 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, as now or hereafter amended, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030(2); after consideration of the predisposition report prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or

cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In selecting a program, the court should choose those services that least interfere with family autonomy, provided that the services are adequate to protect the child.

(b) Order that the child be removed from his or her home and ordered into the custody, control, and care of a relative or the department of social and health services or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the safety or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin with whom the child has a relationship and is comfortable, and who is willing and available to care for the child. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home and that:

(i) There is no parent or guardian available to care for such child;

~~(ii) ((The child is unwilling to reside in the custody of the child's parent, guardian, or legal custodian;~~

~~((#))) The parent, guardian, or legal custodian is not willing to take custody of the child;~~

~~((+)) ((#)) (iii) A manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger; or~~

~~((+)) ((iv)) The extent of the child's disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home.~~

(2) If the court has ordered a child removed from his or her home pursuant to RCW 13.34.130(1)(b), the court may order that a petition seeking termination of the parent and child relationship be filed if the court finds it is recommended by the supervising agency, that it is in the best interests of the child and that it is not reasonable to provide further services to reunify the family because the existence of aggravated circumstances make it unlikely that services will effectuate the return of the child to the child's parents in the near future. In determining whether aggravated circumstances exist, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of assault of the child in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in section 904, chapter —, Laws of 1990 (Engrossed Second Substitute Senate Bill No. 6259);

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim.

(3) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanent plan of care that may include one of the following: Return of the child to the home of the child's parent, adoption, guardianship, or long-term placement with a relative or in foster care with a written agreement.

(b) Unless the court has ordered, pursuant to RCW 13.34.130(2), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

((+)) ((1)) The agency plan shall specify what services the parents will be offered in order to enable them to resume custody, what requirements the parents must meet in order to resume custody, and a time limit for each service plan and parental requirement.

((#)) ((1)) The agency shall be required to encourage the maximum parent-child contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement.

((e)) ((#)) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

((+)) ((iv)) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those

services which the department of social and health services has existing contracts to purchase. It shall report to the court if it is unable to provide such services.

(c) If the court has ordered, pursuant to RCW 13.34.130(2), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents.

((3)) (4) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

((4)) (5) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in this section no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

Sec. 33. Section 47, chapter 291, Laws of 1977 ex. sess. as amended by section 48, chapter 155, Laws of 1979 and RCW 13.34.190 are each amended to read as follows:

After hearings pursuant to RCW 13.34.110, the court may enter an order terminating all parental rights to a child if the court finds that:

(1) ((1)) The allegations contained in the petition as provided in RCW 13.34.180 (1) through (6) are established by clear, cogent, and convincing evidence; or ((2))

(2) RCW 13.34.180 (3) and (4) may be waived because the allegations under RCW 13.34.180 (1), (2), ((4)) (5), and (6) are established beyond a reasonable doubt; or (c) the allegation under RCW 13.34.180(7) is established beyond a reasonable doubt. In determining whether RCW 13.34.180 (5) and (6) are established beyond a reasonable doubt, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 or 9A.42.030;

(c) Conviction of the parent of assault of the child in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) A finding by a court that a parent is a sexually violent predator as defined in section 904, chapter ---, Laws of 1990 (Engrossed Second Substitute Senate Bill No. 6259);

(f) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim; and

~~((2))~~ (3) Such an order is in the best interests of the child.

NEW SECTION. Sec. 34. If specific funding for the purposes of sections 31 through 33 of this act, referencing this act by bill and section number, is not provided by June 30, 1990, in the omnibus appropriations act, sections 31 through 33 of this act shall be null and void.

Sec. 35. Section 5, chapter 291, Laws of 1977 ex. sess. as amended by section 4, chapter 155, Laws of 1979 and RCW 13.04.033 are each amended to read as follows:

(1) Any person aggrieved by a final order of the court may appeal the order as provided by this section. All appeals in matters other than those related to commission of a juvenile offense shall be taken in the same manner as in other civil cases. Except as otherwise provided in this title, all appeals in matters related to the commission of a juvenile offense shall be taken in the same manner as criminal cases and the right to collateral relief shall be the same as in criminal cases. The order of the juvenile court shall stand pending the disposition of the appeal: PROVIDED, That the court or the appellate court may upon application stay the order.

(2) If the final order from which an appeal is taken grants the custody of the child to, or withholds it from, any of the parties, or if the child is committed as provided under this chapter, the appeal shall be given priority in hearing.

(3) In the absence of a specific direction from the party seeking review to file the notice, or the court-appointed guardian ad litem, the court may dismiss the review pursuant to RAP 18.9. To the extent that this enactment conflicts with the requirements of RAP 5.3(a) or RAP 5.3(b) this enactment shall supersede the conflicting rule.

On page 1, line 1 of the title, after "children," strike the remainder of the title and insert "amending RCW 4.92.130, 13.34.020, 13.34.130, 13.34.190, and 13.04.033; adding new sections to chapter 74.13 RCW; adding a new section to chapter 13.32A RCW; adding a new section to chapter 13.34 RCW; creating new sections; and providing an effective date."

Signed by Senators Smith, Niemi, Bailey; Representatives Sayan, Anderson, Silver.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6537 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6649, clarifying the status of Adopt-a-Highway signs, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

The House Committee on Transportation amendment be adopted (For committee amendment, see Journal, 50th Day, February 26, 1990.), and

The following amendments be adopted:

On page 7, after line 2, insert the following:

NEW SECTION. Sec. 4. The legislature finds that despite the efforts of the department of transportation, the department of ecology, and the ecology youth corps to pick up litter along state highways, roadside litter in Washington state has increased by thirty-six percent since 1983. The legislature further finds that in twenty-seven states, volunteer organizations are able to give of their time and energy, demonstrate commitment to a clean environment, and discourage would-be litterers by keeping sections of highway litter free because those states have established programs to encourage and recognize such voluntary efforts. Therefore, it is the legislature's intent to establish an 'adopt-a-highway' litter control program as a partnership between citizen volunteers and the state to reduce roadside litter and build civic pride in a litter-free Washington.

NEW SECTION. Sec. 5. A new section is added to chapter 47.40 RCW to read as follows:

(1) The department of transportation shall establish a state-wide adopt-a-highway litter control program whereby volunteer organizations may contribute to a cleaner environment

and a more attractive state by adopting sections of state highway and picking up litter along those sections.

An organization whose name: (a) Endorses or opposes a particular candidate for public office, (b) advocates a position on a specific political issue, initiative, referendum, or piece of legislation, or (c) includes a reference to a political party shall not be eligible to participate in the adopt-a-highway program.

(2) In administering the adopt-a-highway, the department shall:

(a) Provide a standardized application form, registration form, and contractual agreement for all volunteer groups. Such forms shall notify the prospective participants of the risks and responsibilities to be assumed by either the department and/or the volunteer groups;

(b) Require all volunteers to be at least fifteen years of age;

(c) Require parental consent for all minors;

(d) Require at least one volunteer adult supervisor for every eight minors;

(e) Require one designated leader for each volunteer organization;

(f) Assign each volunteer organization a section of state highway for a specified period of time;

(g) Recognize the efforts of a participating organization by erecting and maintaining signs with the organization's name on both ends of the organization's section of highway;

(h) Provide appropriate safety equipment and 'Volunteer Litter Crew Ahead' signs. Safety equipment, other than hardhats, issued to volunteer organizations must be returned to the department after each use for reuse by other volunteer groups;

(i) Provide safety training for all volunteers;

(j) Pay any and all premiums or assessments required under RCW 51.12.035 to secure medical aid benefits under chapter 51.36 RCW for all volunteers participating in the program;

(k) Maintain records of all injuries and accidents that occur;

(l) Adopt rules which establish a process to resolve any question of an organization's eligibility to participate in the adopt-a-highway program;

(m) Obtain permission from property owners who lease right of way before allowing a volunteer organization to adopt a section of highway on such leased property; and

(n) Establish procedures and guidelines for the adopt-a-highway program.

(3) Nothing in this section affects the rights or activities of, or agreements with, adjacent landowners, including the use of rights of way and crossings, nor impairs these rights and uses by the placement of signs."

In line 2 of the title, after "47.42.040;" strike "and creating a new section" and insert "adding a new section to chapter 47.40 RCW; and creating new sections."

Signed by Senators Thorsness, Conner, Johnson; Representatives Prentice, Cooper, Walker.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6649 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2426, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

March 5, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE HOUSE BILL NO. 2426, revising provisions for employer contributions for unemployment compensation, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate amendment on page 5, line 19, adopted on March 1, 1990, be rejected (For amendment, see Journal, 55th Day, March 3, 1990), and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 256, Laws of 1987 and by section 2, chapter 278, Laws of 1987 and RCW 50.04.030 are each reenacted and amended to read as follows:

"Benefit year" with respect to each individual, means the fifty-two consecutive week period beginning with the first day of the calendar week in which the individual files an application for an initial determination and thereafter the fifty-two consecutive week period beginning with the first day of the calendar week in which the individual next files an application for an initial determination after the expiration of the individual's last preceding benefit year: PROVIDED, HOWEVER, That the foregoing limitation shall not be deemed to preclude the establishment of a new benefit year under the laws of another state pursuant to any agreement providing for the interstate combining of employment and wages and the interstate payment of benefits nor shall this limitation be deemed to preclude the commissioner from backdating an initial application at the request of the claimant either for the convenience of the department of employment security or for any other reason deemed by the commissioner to be good cause.

An individual's benefit year shall be extended to be fifty-three weeks when at the expiration of fifty-two weeks the establishment of a new benefit year would result in the use of a quarter of wages in the new base year that had been included in the individual's prior base year.

No benefit year will be established unless it is determined that the individual earned wages in 'employment' in not less than six hundred eighty hours of the individual's base year: PROVIDED, HOWEVER, That a benefit year cannot be established if the base year wages include wages earned prior to the establishment of a prior benefit year unless the individual worked and earned wages ((in 'employment')) since the ((beginning of) initial separation from employment in the previous benefit ((year's waiting period under RCW 50.20.010(4))) year of not less than six times the weekly benefit amount computed for the individual's new benefit year.

If an individual's prior benefit year was based on the last four completed calendar quarters, a new benefit year shall not be established until the new base year does not include any hours used in the establishment of the prior benefit year.

If the wages of an individual are not based upon a fixed duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week shall be determined in such manner as the commissioner may by regulation prescribe. Such regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his or her wages at regular intervals.

Sec. 2. Section 5, chapter 292, Laws of 1977 ex. sess. and RCW 50.04.205 are each amended to read as follows:

Except as provided in section 3 of this act, services performed by aliens legally or illegally admitted to the United States shall be considered services in employment subject to the payment of contributions to the extent that services by citizens are covered.

NEW SECTION, Sec. 3. A new section is added to chapter 50.04 RCW to read as follows:

The term 'employment' shall not include service that is performed by a nonresident alien for the period he or she is temporarily present in the United States as a nonimmigrant under subparagraph (F), (H)(iii), or (J) of section 101(a)(15) of the federal immigration and naturalization act, as amended, and that is performed to carry out the purpose specified in the applicable subparagraph of the federal immigration and naturalization act.

Sec. 4. Section 84, chapter 35, Laws of 1945 as last amended by section 4, chapter 266, Laws of 1959 and RCW 50.20.160 are each amended to read as follows:

(1) A determination of amount of benefits potentially payable issued pursuant to the provisions of RCW 50.20.120 and 50.20.140 shall not serve as a basis for appeal but shall be subject to request by the claimant for reconsideration and/or for redetermination by the commissioner at any time within one year from the date of delivery or mailing of such determination, or any redetermination thereof: PROVIDED, That in the absence of fraud or misrepresentation on the part of the claimant, any benefits paid prior to the date of any redetermination which reduces the amount of benefits payable shall not be subject to recovery under the provisions of RCW 50.20.190. A denial of a request to reconsider or a redetermination shall be furnished the claimant in writing and provide the basis for appeal under the provisions of RCW 50.32.020.

(2) A determination of denial of benefits issued under the provisions of RCW 50.20.180 shall become final, in absence of timely appeal therefrom: PROVIDED, That the commissioner may reconsider and redetermine such determinations at any time within one year from delivery or mailing to correct an error in identity, omission of fact, or misapplication of law with respect to the facts.

(3) A determination of allowance of benefits shall become final, in absence of a timely appeal therefrom: PROVIDED, That the commissioner may redetermine such allowance at any time within two years following the benefit year in which such allowance was made in order to recover any benefits improperly paid and for which recovery is provided under the provisions of RCW 50.20.190: AND PROVIDED FURTHER, That in the absence of fraud, misrepresentation, or nondisclosure, this provision or the provisions of RCW 50.20.190 shall not be construed so as to

permit redetermination or recovery of an allowance of benefits which having been made after consideration of the provisions of RCW 50.20.010(3), or the provisions of RCW 50.20.050, 50.20.060, 50.20.080, or 50.20.090 has become final.

(4) A redetermination may be made at any time: (a) To conform to a final court decision applicable to either an initial determination or a determination of denial or allowance of benefits; (b) in the event of a back pay award or settlement affecting the allowance of benefits; or (c) in the case of fraud, misrepresentation, or willful nondisclosure. Written notice of any such redetermination shall be promptly given by mail or delivered to such interested parties as were notified of the initial determination or determination of denial or allowance of benefits and any new interested party or parties who, pursuant to such regulation as the commissioner may prescribe, would be an interested party.

Sec. 5. Section 87, chapter 35, Laws of 1945 as last amended by section 2, chapter 92, Laws of 1989 and RCW 50.20.190 are each amended to read as follows:

(1) An individual who is paid any amount as benefits under this title to which he or she is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, may be deducted from any future benefits payable to the individual: PROVIDED, That in the absence of fraud, misrepresentation, or willful nondisclosure, every determination of liability shall be mailed or personally served not later than two years after the close of the individual's benefit year in which the purported overpayment was made unless the merits of the claim are subjected to administrative or judicial review in which event the period for serving the determination of liability shall be extended to allow service of the determination of liability during the six-month period following the final decision affecting the claim.

(2) The commissioner may waive an overpayment if the commissioner finds that said overpayment was not the result of fraud, misrepresentation, willful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience: PROVIDED, HOWEVER, That the overpayment so waived shall be charged against the individual's applicable entitlement for the eligibility period containing the weeks to which the overpayment was attributed as though such benefits had been properly paid.

(3) Any assessment herein provided shall constitute a determination of liability from which an appeal may be had in the same manner and to the same extent as provided for appeals relating to determinations in respect to claims for benefits: PROVIDED, That an appeal from any determination covering overpayment only shall be deemed to be an appeal from the determination which was the basis for establishing the overpayment unless the merits involved in the issue set forth in such determination have already been heard and passed upon by the appeal tribunal. If no such appeal is taken to the appeal tribunal by the individual within thirty days of the delivery of the notice of determination of liability, or within thirty days of the mailing of the notice of determination, whichever is the earlier, said determination of liability shall be deemed conclusive and final. Whenever any such notice of determination of liability becomes conclusive and final, the commissioner, upon giving at least twenty days notice by certified mail return receipt requested to the individual's last known address of the intended action, may file with the superior court clerk of any county within the state a warrant in the amount of the notice of determination of liability plus a filing fee of five dollars. The clerk of the county where the warrant is filed shall immediately designate a superior court cause number for the 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 the person(s) mentioned in the warrant, the amount of the notice of determination of liability, and the date when the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to, and any interest in, all real and personal property of the person(s) against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. A warrant so docketed shall be sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law for a civil judgment. A copy of the warrant shall be mailed to the person(s) mentioned in the warrant by certified mail to the person's last known address within five days of its filing with the clerk.

(4) On request of any agency which administers an employment security law of another state, the United States, or a foreign government and which has found in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law, the commissioner may collect the amount of such benefits from the claimant to be refunded to the agency. In any case in which under this section a claimant is liable to repay any amount to the agency of another state, the United States, or a foreign government, such amounts may be collected without interest by civil action in the name of the commissioner acting as agent for such agency if the other state, the United States, or the foreign government extends such collection rights to the employment security department of the state of Washington, and provided that the court costs be paid by the governmental agency benefiting from such collection.

(5) When an individual has been awarded or receives back pay, the amount of the back pay shall constitute wages paid in the period for which it was awarded. No person is liable for the amount of benefits if the amount of the back pay award or settlement was reduced by the

amount of benefits received. When the amount of the back pay award or settlement was reduced by the amount of benefits received, the employer shall pay to the unemployment compensation fund an amount equal to the amount of such reduction. An employer who is a party to any back pay award or settlement shall, within thirty days of the settlement, report to the department the amount of benefits by which the award or settlement was reduced, if any, and the name and social security number of the person who received the award or settlement.

(6) When an individual fails to repay an overpayment assessment that is due and fails to arrange for satisfactory repayment terms, the commissioner shall impose an interest penalty of one percent of the outstanding balance for each month that payments are not made in a timely fashion. Interest shall accrue immediately on overpayments assessed pursuant to RCW 50.20.070. For any other overpayment, interest shall accrue when the individual has missed two or more of their monthly payments either partially or in full. The interest penalty shall be used to fund detection and recovery of overpayment and collection activities.

Sec. 6. Section 99, chapter 35, Laws of 1945 as last amended by section 5, chapter 111, Laws of 1987 and RCW 50.24.110 are each amended to read as follows:

The commissioner is hereby authorized to issue to any person, firm, corporation, political subdivision, or department of the state, a notice and order to withhold and deliver property of any kind whatsoever when ~~(he)~~ the commissioner has reason to believe that there is in the possession of such person, firm, corporation, political subdivision, or department, property which is due, owing, or belonging to any person, firm, or corporation upon whom the department has served a benefit overpayment assessment or a notice and order of assessment for unemployment compensation contributions, interest, or penalties. The effect of a notice to withhold and deliver shall be continuous from the date such notice and order to withhold and deliver is first made until the liability is satisfied or becomes unenforceable because of a lapse of time.

The notice and order to withhold and deliver shall be served by the sheriff or the sheriff's deputy of the county wherein the service is made ~~((-or by his deputy))~~, by certified mail, return receipt requested, or by any duly authorized representative of the commissioner. Any person, firm, corporation, political subdivision, or department 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.

In the event there is in the possession of any such person, firm, corporation, political subdivision, or department, any property which may be subject to the claim of the employment security department of the state, such property shall be delivered forthwith to the commissioner or ~~((his))~~ the commissioner's duly authorized representative upon demand to be held in trust by the commissioner for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability, or in the alternative, there shall be furnished a good and sufficient bond satisfactory to the commissioner conditioned upon final determination of liability.

Should any person, firm, or corporation fail to make answer to an 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 such person, firm, or corporation for the full amount claimed by the commissioner in the notice to withhold and deliver, together with costs.

Sec. 7. Section 5, chapter 205, Laws of 1984 as last amended by section 79, chapter 380, Laws of 1989 and RCW 50.29.025 are each amended to read as follows:

The contribution rate for each employer shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the June 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
3.40 and above	A
2.90 to 3.39	B
2.40 to 2.89	C
1.90 to 2.39	D
1.40 to 1.89	E
Less than 1.40	F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the

computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5) The contribution rate for each employer in the array shall be the rate specified in the following table for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls			Schedule of Contribution Rates for Effective Tax Schedule					
From	To	Rate Class	A	B	C	D	E	F
0.00	5.00	1	0.48	0.58	0.98	1.48	1.88	2.48
5.01	10.00	2	0.48	0.78	1.18	1.68	2.08	2.68
10.01	15.00	3	0.58	0.98	1.38	1.78	2.28	2.88
15.01	20.00	4	0.78	1.18	1.58	1.98	2.48	3.08
20.01	25.00	5	0.98	1.38	1.78	2.18	2.68	3.18
25.01	30.00	6	1.18	1.58	1.98	2.38	2.78	3.28
30.01	35.00	7	1.38	1.78	2.18	2.58	2.98	3.38
35.01	40.00	8	1.58	1.98	2.38	2.78	3.18	3.58
40.01	45.00	9	1.78	2.18	2.58	2.98	3.38	3.78
45.01	50.00	10	1.98	2.38	2.78	3.18	3.58	3.98
50.01	55.00	11	2.28	2.58	2.98	3.38	3.78	4.08
55.01	60.00	12	2.48	2.78	3.18	3.58	3.98	4.28
60.01	65.00	13	2.68	2.98	3.38	3.78	4.18	4.48
65.01	70.00	14	2.88	3.18	3.58	3.98	4.38	4.68
70.01	75.00	15	3.08	3.38	3.78	4.18	4.58	4.78
75.01	80.00	16	3.28	3.58	3.98	4.38	4.68	4.88
80.01	85.00	17	3.48	3.78	4.18	4.58	4.88	4.98
85.01	90.00	18	3.88	4.18	4.58	4.88	4.98	5.18
90.01	95.00	19	4.28	4.58	4.98	5.08	5.18	5.38
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of 'qualified employer' by reason of failure to pay contributions when due shall be assigned the contribution rate of five and four-tenths percent, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to five and four-tenths percent for the current rate year.

(b) The contribution rate for employers exempt as of December 31, 1989, who are newly covered under the section 78, chapter 380, Laws of 1989(;;:) amendment to RCW 50.04.150 and not yet qualified to be in the array shall be 2.5 percent for employers whose standard industrial code is '013', '016', '017', '018', '019', '021', or '081'; and

(c) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, shall be in accordance with established classification practices found in the 'Standard Industrial Classification Manual' issued by the federal office of management and budget to the third digit provided in the Standard Industrial Classification code.

Sec. 8, Section 16, chapter 2, Laws of 1970 ex. sess. as last amended by section 19, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.29.070 are each amended to read as follows:

~~((Within a reasonable time after the computation date, each employer shall be notified of the total amount of benefits charged to his account during the twelve-month period immediately preceding the computation date and, upon request, the amount of such charges with respect to each individual receiving unemployment benefits charged to his account.))~~

Within a reasonable time after the computation date each employer shall be notified of ~~((this))~~ the employer's rate of contribution as determined for the succeeding rate year and factors used in the calculation.

Any employer dissatisfied with the benefit charges made to ~~(his)~~ the employer's account for the twelve-month period immediately preceding the computation date or with his or her determined rate may file a request for review and redetermination with the commissioner within thirty days of the mailing of the notice to the employer, showing the reason for such request. Should such request for review and redetermination be denied, the employer may, within ~~(ten)~~ thirty days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this section.

Sec. 9. Section 23, chapter 3, Laws of 1971 as last amended by section 24, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.44.060 are each amended to read as follows:

Benefits paid to employees of 'nonprofit organizations' shall be financed in accordance with the provisions of this section. For the purpose of this section and RCW 50.44.070, the term 'nonprofit organization' is limited to those organizations described in RCW 50.44.010, and joint accounts composed exclusively of such organizations.

(1) Any nonprofit organization which is, or becomes subject to this title on or after January 1, 1972 shall pay contributions under the provisions of RCW 50.24.010 and chapter 50.29 RCW, unless it elects, in accordance with this subsection, to pay to the commissioner for the unemployment compensation fund an amount equal to the full amount of regular and additional benefits and one-half of the amount of extended benefits paid to individuals for weeks of unemployment ~~((which begin during the effective period of such election))~~ that are based upon wages paid or payable during the effective period of such election to the extent that such payments are attributable to service in the employ of such nonprofit organization.

(a) Any nonprofit organization which becomes subject to this title after January 1, 1972 may elect to become liable for payments in lieu of contributions for a period of not less than twelve months beginning with the date on which such subjectivity begins by filing a written notice of its election with the commissioner not later than thirty days immediately following the date of the determination of such subjectivity.

(b) Any nonprofit organization which makes an election in accordance with paragraph (a) of this subsection will continue to be liable for payments in lieu of contributions until it files with the commissioner a written notice terminating its election not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective.

(c) Any nonprofit organization which has been paying contributions under this title for a period subsequent to January 1, 1972 may change to a reimbursable basis by filing with the commissioner not later than thirty days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

(d) The commissioner may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.

(e) The commissioner, in accordance with such regulations as ~~(he)~~ the commissioner may prescribe, shall notify each nonprofit organization of any determination which ~~(he)~~ the commissioner may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Any nonprofit organization subject to such determination and dissatisfied with such determination may file a request for review and redetermination with the commissioner within thirty days of the mailing of the determination to the organization. Should such request for review and redetermination be denied, the organization may, within ten days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this paragraph.

(2) Payments in lieu of contributions shall be made in accordance with the provisions of this section including either paragraph (a) or (b) of this subsection.

(a) At the end of each calendar quarter, the commissioner shall bill each nonprofit organization or group of such organizations which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular and additional benefits plus one-half of the amount of extended benefits paid during such quarter that is attributable to service in the employ of such organization.

(b) (i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make such payments as provided in this paragraph. Such method of payment shall become effective upon approval by the commissioner.

(ii) At the end of each calendar quarter, or at the end of such other period as determined by the commissioner, the commissioner shall bill each nonprofit organization for an amount representing one of the following:

(A) The percentage of its total payroll for the immediately preceding calendar year as the commissioner shall determine. Such determination shall be based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year.

(B) For any organization which did not pay wages throughout the four calendar quarters of the preceding calendar year, such percentage of its payroll during such year as the commissioner shall determine.

(iii) At the end of each taxable year, the commissioner may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

(iv) At the end of each taxable year, the commissioner shall determine whether the total of payments for such year made by a nonprofit organization is less than, or in excess of, the total amount of regular and additional benefits plus one-half of the amount of extended benefits paid to individuals during such taxable year based on wages attributable to service in the employ of such organization. Each nonprofit organization whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with paragraph (c). If the total payments exceed the amount so determined for the taxable year, all of the excess payments will be retained in the fund as part of the payments which may be required for the next taxable year, or a part of the excess may, at the discretion of the commissioner, be refunded from the fund or retained in the fund as part of the payments which may be required for the next taxable year.

(c) Payment of any bill rendered under paragraph (a) or (b) shall be made not later than thirty days after such bill was mailed to the last known address of the nonprofit organization or was otherwise delivered to it, and if not paid within such thirty days, the reimbursement payments itemized in the bill shall be deemed to be delinquent and the whole or part thereof remaining unpaid shall bear interest and penalties from and after the end of such thirty days at the rate and in the manner set forth in RCW 50.12.220 and 50.24.040.

(d) Payments made by any nonprofit organization under the provisions of this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization. Any deduction in violation of the provisions of this paragraph shall be unlawful.

(3) Each employer that is liable for payments in lieu of contributions shall pay to the commissioner for the fund the total amount of regular and additional benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of paragraphs (a) (~~through (d)~~) and (b) of this subsection.

(a) If benefits paid to an individual are based on wages paid by one or more employers that are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

(b) If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

Sec. 10. Section 82, chapter 380, Laws of 1989 and RCW 49.30.005 are each amended to read as follows:

(1) It is the intent of the legislature that the department assist agricultural employers in mitigating the costs of the state's unemployment insurance program. The department shall work with members of the agricultural community to: improve understanding of the program's operation; increase compliance with work-search requirements; provide prompt notification of potential claims against an employer's experience rating; inform employers of their rights; inform employers of the actions necessary to appeal a claim and to protect their rights; and reduce claimant and employer fraud. These efforts shall include:

- (a) Conducting employer workshops and community seminars;
- (b) Developing new educational materials; and
- (c) Developing forms that use lay language.

(2) The employment security department, the department of labor and industries, the department of licensing, and the department of revenue shall develop a plan to implement voluntary combined reporting for agricultural employers by January 1, (~~1991~~) 1992. The departments shall submit the plan to the legislature by January 10, 1990, and include recommendations for legislation necessary to standardize and simplify statutory coverage and other requirements. Such standardization shall be as consistent with federal requirements as possible.

The departments shall consult with representatives of agricultural employer and labor associations and general business associations in the development of the plan and legislation.

The departments shall ensure that they accommodate the needs of small agricultural employers in particular.

(3) The department shall report to the appropriate standing committees of the legislature by January 10, 1990, 1991, and 1992 and include a description of the activities of the department to carry out the intents of this section and provide quantitative data where possible on the effectiveness of the activities undertaken by the department to comply with the intents of this section during the previous calendar year.

NEW SECTION. Sec. 11. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 12. (1) Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Sections 2, 3, and 6 through 9 of this act shall take effect on July 1, 1990."

On page 1, line 2 of the title, after "compensation," strike the remainder of the title and insert "amending RCW 50.04.205, 50.20.160, 50.20.190, 50.24.110, 50.29.025, 50.29.070, 50.44.060, and 49.30.005; reenacting and amending RCW 50.04.030; adding a new section to chapter 50.04 RCW; creating a new section; providing an effective date; and declaring an emergency."

Signed by Senators Lee, McMullen, Matson; Representatives Vekich, Prentice, Smith.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute House Bill No. 2426 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2603, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2603, enhancing availability of medical care for children, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Committee on Health & Long-Term Care amendments adopted on March 1, 1990, be rejected (For amendment, see Journal, 55th Day, March 3, 1990.), and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. It is the purpose of sections 1 through 5 of this act and RCW 74.09.010 to provide, consistent with appropriated funds, health care access and services to children in poverty in this state. To this end, a children's health program is established based on the following principles:

(1) Access to preventive and other health care services should be made more readily available for children in poverty.

(2) Unnecessary barriers to health care for children in poverty should be removed.

(3) The status of children's health and their access to health care providers should be evaluated at appropriate intervals to determine program effectiveness and need for modification.

(4) Health care services should be delivered in a cost-effective manner.

(5) The program should be sensitive to cultural and ethnic differences among children in poverty.

NEW SECTION. Sec. 2. (1) There is hereby established a program to be known as the children's health program.

To the extent of available funds:

(a) Health care services may be provided to persons who are under eighteen years of age with household incomes at or below the federal poverty level and not otherwise eligible for medical assistance or the limited casualty program for the medically needy.

(b) The determination of eligibility of recipients for health care services shall be the responsibility of the department. The application process shall be easy to understand and, to the extent possible, applications shall be made available at local schools and other appropriate locations. The department shall make eligibility determinations within the timeframes for establishing eligibility for children on medical assistance, as defined by RCW 74.09.510.

(c) The amount, scope, and duration of health care services provided to eligible children under the children's health program shall be the same as that provided to children under medical assistance, as defined in RCW 74.09.520.

(2) The legislature is interested in assessing the effectiveness of the prenatal care program. However, the legislature recognizes the cost and complexity associated with such assessment.

The legislature accepts the effectiveness of prenatal and maternity care at improving birth outcomes when these services are received by eligible persons. Therefore, the legislature intends to focus scarce assessment resources to determine the extent to which support services such as child care, psychosocial and nutritional assessment and counseling, case management, transportation, and other support services authorized by this act result in receipt of prenatal and maternity care by eligible persons.

The University of Washington shall conduct a study, based on a statistically significant state-wide sampling of data, to evaluate the effectiveness of the maternity care access program set forth in RCW 74.09.760 through 74.09.820 based on the principles set forth in RCW 74.09.770.

The University of Washington shall develop a plan and budget for the study in consultation with the legislative budget committee. The legislative budget committee shall also monitor the progress of the study.

The department of social and health services shall make data and other information available as needed to the University of Washington as required to conduct this study.

The study shall determine:

(a) The characteristics of women receiving services, including health risk factors;

(b) The extent to which access to maternity care and support services have improved in this state as a result of this program;

(c) The utilization of services and birth outcomes for women and infants served by this program by type of practitioner;

(d) The extent to which birth outcomes for women receiving services under this program have improved in comparison to birth outcomes of nonmedicaid mothers;

(e) The impact of increased medicaid reimbursement to physicians on provider participation;

(f) The difference between costs for services provided under this program and medicaid reimbursement for the services;

(g) The gaps in services, if any, that may still exist for women and their infants as defined by RCW 74.09.790 (1) and (4) served by this program, excluding pregnant substance abusers, and women covered by private health insurance; and

(h) The number and mix of services provided to eligible women as defined by subsection (2)(g) of this section and the effect on birth outcomes as compared to nonmedicaid birth outcomes.

Results of the study shall be submitted to the legislative budget committee and appropriate committees of the legislature, by December 1 of each year through December 1, 1994, beginning with December 1, 1991.

NEW SECTION. Sec. 3. (1) The children's health services committee is hereby established, which shall advise the secretary as set forth in this chapter. Its membership shall be composed as follows: The secretary shall appoint, from the department's personnel, representatives from the various service and related administrative support programs that address children's needs. The secretary of health shall appoint, with the approval of the secretary, appropriate department of health personnel to the committee, but shall include the deputy secretary of health or successor position and the administrator of the parent and child health service program as identified in RCW 43.70.080(6).

(2) The requirements of subsection (1) of this section shall be in effect until June 30, 1993, at such time, the statutory responsibility shall be given to the department. The secretary may continue the committee under executive policy.

(3) The secretary and the secretary of health shall examine program areas where there is a lack of clear authority, dual responsibilities, or potential problems regarding jurisdiction between the department and department of health and submit a brief report to the governor and the legislature by December 1, 1992, outlining these problems and proposing remedial action.

(4) The committee, in coordination with counties, shall identify counties experiencing significant problems with access to health care for children eligible for services under chapter 74.09 RCW, based on indicators such as:

(a) Number of primary care providers for children eligible for services under chapter 74.09 RCW;

(b) Percent of children eligible for services under chapter 74.09 RCW;

(c) Postneonatal mortality rate for low-income children;

(d) Early and periodic screening, diagnosis, and treatment (EPSDT) utilization;

(e) Teen birth rate for low-income children; and

(f) Low birth weight rate for low-income children.

(5) The department shall provide data to each county within the state regarding its performance on the indicators in subsection (4) of this section and notify those counties having a significant problem with access, as defined in this section. The county shall also be advised of the availability of technical and financial assistance from the state in support of local remedial action.

(6) Any county, including those not identified by the committee, wishing to pursue state assistance under this section may submit a request to the committee. The request should include a description of the access problems in their community, a plan for addressing those problems, and a description of how the state's technical or financial assistance will aid them in increasing access to pediatric care for children in poverty. The request for assistance shall be prepared in consultation with the department, local community service offices, the local public health officer, community health clinics, health care providers, hospitals, the business community, labor representatives, and low-income advocates in their area.

(7) Counties are encouraged to combine to fulfill their duties under this section. In doing so, they shall consider the organizational principles set forth in RCW 43.70.020. If after one hundred twenty days' notice by the committee that a significant problem with health care access to children exists within a county, the county has not submitted a preliminary request for assistance according to this section, the committee shall solicit or may receive requests for assistance from any health care provider within that county.

(8) The committee shall evaluate local requests for technical and financial assistance, and shall recommend to the secretary funding of any or all parts of the requests, using criteria such as:

(a) The number of children proposed to receive expanded access to pediatric health care per dollar expended;

(b) Ability to meet the particular needs of the community as defined in the county request, including responsiveness to the needs of ethnic and racial minorities and addressing language barriers to access; and

(c) Capability to meet stated goals of increasing access to pediatric care.

(9) The department, after considering the recommendations of the committee, shall provide financial assistance, such as grants to counties or disproportionate share payments to providers, to the extent of available funds. The department shall make such changes to the state Medicaid plan or take such other action as may be needed to secure federal matching funds for grants under this section.

NEW SECTION. Sec. 4. Local communities are encouraged to take actions necessary to make health care more accessible to children in poverty in their communities, such as coordinating the development of alternative health care delivery systems. To support communities in their efforts, the committee, in coordination with counties and to the extent funds are available, shall: (1) Advise the secretary and the secretary of health regarding the dispensing of technical assistance to counties to enable them to develop provider resources and expand coordinated provision of health care to children in poverty, and (2) recommend to the secretary financial incentives to be provided within counties requesting assistance according to section 3 of this act.

NEW SECTION. Sec. 5. The committee, in coordination with the department of health, shall reevaluate the state of access to care for children in poverty on at least a biennial basis and shall provide this information, along with information on the implementation of sections 1 through 4 of this act, to the board of health for consideration of possible inclusion in the biennial state health report.

Sec. 6. Section 74.09.010, chapter 26, Laws of 1959 as last amended by section 11, chapter 406, Laws of 1987 and RCW 74.09.010 are each amended to read as follows:

As used in this chapter:

(1) 'Children's health program' means the health care services program provided to children under eighteen years of age and in households with incomes at or below the federal poverty level as annually defined by the federal department of health and human services as adjusted for family size, and who are not otherwise eligible for medical assistance or the limited casualty program for the medically needy.

(2) 'Committee' means the children's health services committee created in section 3 of this act.

(3) 'County' means the board of county commissioners, county council, county executive, or tribal jurisdiction, or its designee. A combination of two or more county authorities or tribal jurisdictions may enter into joint agreements to fulfill the requirements of sections 2 through 5 of this act.

(4) 'Department' means the department of social and health services.

~~((2) 'Secretary' means the secretary of social and health services:~~

~~(3)) (5) 'Department of health' means the Washington state department of health created pursuant to RCW 43.70.020.~~

(6) 'Internal management' means the administration of medical assistance, medical care services, the children's health program, and the limited casualty program.

~~((4)) (7) 'Limited casualty program' means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.~~

(8) 'Medical assistance' means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

~~((5)) (9) 'Medical care services' means the limited scope of care financed by state funds and provided to general assistance recipients, and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW.~~

~~((6) 'Limited casualty program' means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services:~~

~~(7)) (10) 'Nursing home' means nursing home as defined in RCW 18.51.010.~~

(11) 'Poverty' means the federal poverty level determined annually by the United States department of health and human services, or successor agency.

(12) 'Secretary' means the secretary of social and health services.

NEW SECTION. Sec. 7. Section 9, chapter 10, Laws of 1989 1st ex. sess. (uncodified) is repealed.

NEW SECTION. Sec. 8. Sections 1 through 5 of this act are each added to chapter 74.09 RCW.

NEW SECTION. Sec. 9. This act shall take effect July 1, 1990."

On page 1, line 1 of the title, after "health," strike the remainder of the title and insert "amending RCW 74.09.010; adding new sections to chapter 74.09 RCW; repealing section 9, chapter 10, Laws of 1989 1st ex. sess. (uncodified); and providing an effective date."

Signed by Senators Smith, Niemi, Amondson; Representatives Braddock, Vekich, Brooks.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 2603 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on HOUSE BILL NO. 1307, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred HOUSE BILL NO. 1307, revising assessment levels for equalizing personal property, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate amendments by Senators Warnke and McDonald adopted on March 1, 1990, be adopted (For amendments, see Journal, 57th Day, March 5, 1990.), and

The following amendments be adopted:

On page 2, after line 31, insert the following:

*Sec. 2. Section 12, chapter 55, Laws of 1983 1st ex. sess. and RCW 84.36.043 are each amended to read as follows:

(1) The real and personal property ((of) used by a nonprofit organization ((used)) in providing nonpermanent shelter to ((indigent)) low-income homeless persons as defined in RCW 35.21.685 or 36.32.415 or victims of domestic violence who are homeless for personal safety reasons is exempt from taxation if:

(a) The charge, if any, for the shelter does not exceed the actual cost of operating and maintaining the shelter facility; and

(b) (i) The property is owned by the nonprofit organization; or

(ii) For taxes levied for collection in 1991 through 1999 only, the property is rented or leased by the nonprofit organization and the benefit of the exemption inures to the nonprofit organization.

(2) This exemption is subject to the administrative provisions contained in RCW 84.36.800 through 84.36.865.

Sec. 3. Section 7, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 4, chapter 379, Laws of 1989 and RCW 84.36.805 are each amended to read as follows:

In order to be exempt pursuant to RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.043, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480, the nonprofit organizations, associations or corporations shall satisfy the following conditions:

(1) The property is used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemption under RCW 84.36.037, the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted;

(2) The property is irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption: PROVIDED, That the property need not be irrevocably dedicated if it is leased or rented to those qualified for exemption pursuant to RCW 84.36.040 ((or)), 84.36.041, or 84.36.043 or those qualified for exemption as an association engaged in the production or performance of musical, dance, artistic, dramatic, or literary works pursuant to RCW 84.36.060, but only if under the terms of the lease or rental agreement the nonprofit organization, association, or corporation receives the benefit of the exemption;

(3) The facilities and services are available to all regardless of race, color, national origin or ancestry;

(4) The organization, association, or corporation is duly licensed or certified where such licensing or certification is required by law or regulation;

(5) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status;

(6) The director of the department of revenue shall have access to its books in order to determine whether such organization, association, or corporation is exempt from taxes within the intent of RCW 84.36.030, 84.36.035, 84.36.037, 84.36.040, 84.36.041, 84.36.043, 84.36.045, 84.36.047, 84.36.050, 84.36.060, 84.36.350, and 84.36.480.

Sec. 4. Section 8, chapter 40, Laws of 1973 2nd ex. sess. as last amended by section 5, chapter 379, Laws of 1989 and RCW 84.36.810 are each amended to read as follows:

(1) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.037, 84.36.040, 84.36.041, 84.36.043, 84.36.050, and 84.36.060, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the three years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes: PROVIDED, That where the property has been granted an exemption for more than ten years, taxes and interest shall not be assessed under this section.

(2) Subsection (1) of this section applies only when ownership of the property is transferred or when fifty-one percent or more of the area of the property has lost its exempt status. The additional tax under subsection (1) of this section shall not be imposed if the cessation of use resulted solely from:

(a) Transfer to a nonprofit organization, association, or corporation for a use which also qualifies and is granted exemption under the provisions of chapter 84.36 RCW;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

(e) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under RCW 84.36.030;

(f) Cancellation of a lease on property that had been exempt under RCW 84.36.040, 84.36.041, 84.36.043, or 84.36.060;

(g) A change in the exempt portion of a home for the aging under RCW 84.36.041(2), as long as some portion of the home remains exempt;

(h) The conversion of a full exemption of a home for the aging to a partial exemption or taxable status under RCW 84.36.041(7).

NEW SECTION. Sec. 5. A new section is added to chapter 84.52 RCW to read as follows:

(1) It is the intent of this section to allow public hospital districts and metropolitan park districts to utilize levy authority approved by the voters pursuant to RCW 84.52.100 for the duration of such voter approval. It is further the intent of this section that these levies be made between the statutory tax rate limits established by RCW 84.52.043 and the applicable constitutional limits.

(2) Any increase of cumulative limitation approved by the voters of a public hospital district or metropolitan park district pursuant to RCW 84.52.100 prior to the effective date of the repeal of that provision shall remain valid and such district may levy such amount as the appropriate levy capacity may allow for the time authorized by the voters: PROVIDED, That no other levy, including fire district, library district, conservation futures under RCW 84.34.230, and emergency medical care or services under RCW 84.52.069 shall be reduced as a result of the increased public hospital district or metropolitan park district levy.

NEW SECTION. Sec. 6. Section 5 of this act expires December 31, 1996."

Renumber the remaining sections consecutively.

On page 1, line 1 of the title, after "taxation," strike the remainder of the title and insert "amending RCW 84.48.080, 84.36.043, 84.36.805, and 84.36.810; adding a new section to chapter 84.52 RCW; and providing an expiration date."

Signed by Senators Craswell, Niemi, Bailey; Representatives Wang, Phillips, Holland.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on House Bill No. 1307 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2378, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE HOUSE BILL NO. 2378, changing the authority of educational service district boards with regard to the purchase and sale of property used for the operation of the educational service district, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Committee on Ways & Means amendments adopted on March 1, 1990, be adopted (For amendments, see Journal, 58th Day, March 6, 1990.), and

The following amendments be adopted:

On page 2 of the amendment, line 25, after "board" strike "may" and insert "shall"

On page 2 of the amendment, line 26, after "acquired" strike everything through "collateral" on line 31

Signed by Senators Bailey, Lee; Representatives H. Sommers, Peery, Schoon.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute House Bill No. 2378 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2430, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2430, revising provisions for motor vehicle warranties, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Committee on Economic Development & Labor amendments adopted on March 2, 1990, be rejected (For amendments, see Journal, 57th Day, March 5, 1990.), and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

'NEW SECTION, Sec. 1. Section 2, chapter 344, Laws of 1987 as amended by section 1, chapter 347, Laws of 1989 and RCW 19.118.021 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Board' means new motor vehicle arbitration board.

(2) 'Collateral charges' means any sales or lease related charges including but not limited to sales tax, use tax, arbitration service fees, unused license fees, unused registration fees, unused title fees, finance charges, prepayment penalties, credit disability and credit life insurance costs not otherwise refundable, any other insurance costs prorated for time out of service, transportation charges, dealer preparation charges, or any other charges for service contracts, undercoating, rustproofing, or factory or dealer installed options.

(3) 'Condition' means a general problem that results from a defect or malfunction of one or more parts, or their improper installation by the manufacturer, its agents, or the new motor vehicle dealer.

(4) 'Consumer' means any person who has entered into an agreement or contract for the transfer, lease, or purchase of a new motor vehicle, other than for purposes of resale or sublease, during the duration of the warranty period defined under this section.

(5) 'Court' means the superior court in the county where the consumer resides, except if the consumer does not reside in this state, then the superior court in the county where an arbitration hearing or determination was conducted or made pursuant to this chapter.

(6) 'Incidental costs' means any reasonable expenses incurred by the consumer in connection with the repair of the new motor vehicle, including any towing charges and the costs of obtaining alternative transportation.

(7) 'Manufacturer' means any person engaged in the business of constructing or assembling new motor vehicles or engaged in the business of importing new motor vehicles into the United States for the purpose of selling or distributing new motor vehicles to new motor vehicle dealers. Manufacturer does not include any person engaged in the business of set-up of motorcycles as an agent of a new motor vehicle dealer if the person does not otherwise construct or assemble motorcycles.

(8) 'Motorcycle' means any motorcycle as defined in RCW 46.04.330 which has an engine displacement of at least seven hundred fifty cubic centimeters.

((#)) (9) 'New motor vehicle' means any new self-propelled vehicle, including a new motorcycle, primarily designed for the transportation of persons or property over the public highways that, after original retail purchase or lease in this state, was initially registered in this state or for which a temporary motor vehicle license was issued pursuant to RCW 46.16.460, but does not include vehicles purchased or leased by a business as part of a fleet of ten or more vehicles. If the motor vehicle is a motor home, this chapter shall apply to the self-propelled vehicle and chassis, but does not include those portions of the vehicle designated, used, or

maintained primarily as a mobile dwelling, office, or commercial space. The term 'new motor vehicle' does not include ~~((motorcycles or))~~ trucks with nineteen thousand pounds or more gross vehicle weight rating. The term 'new motor vehicle' includes a demonstrator or lease-purchase vehicle as long as a manufacturer's warranty was issued as a condition of sale.

~~((9))~~ (10) 'New motor vehicle dealer' means a person who holds a dealer agreement with a manufacturer for the sale of new motor vehicles, who is engaged in the business of purchasing, selling, servicing, exchanging, or dealing in new motor vehicles, and who is licensed as a dealer by the state of Washington.

~~((10))~~ (11) 'Nonconformity' means a defect, serious safety defect, or condition that substantially impairs the use, value, or safety of a new motor vehicle, but does not include a defect or condition that is the result of abuse, neglect, or unauthorized modification or alteration of the new motor vehicle.

~~((11))~~ (12) 'Purchase price' means the cash price of the new motor vehicle appearing in the sales agreement or contract, including any allowance for a trade-in vehicle; 'purchase price' in the instance of a lease means the purchase price or value of the vehicle declared to the department of licensing for purposes of tax collection.

Where the consumer is a second or subsequent purchaser, lessee, or transferee and the consumer selects repurchase of the motor vehicle, 'purchase price' means the purchase price of the second or subsequent purchase or lease. Where the consumer is a second or subsequent purchaser, lessee, or transferee and the consumer selects replacement of the motor vehicle, 'purchase price' means the original purchase price.

~~((12))~~ (13) 'Reasonable offset for use' means the definition provided in RCW 19.118.041(1)(c) for a new motor vehicle other than a new motorcycle. The reasonable offset for use for a new motorcycle shall be computed by the number of miles that the vehicle traveled before the manufacturer's acceptance of the vehicle upon repurchase or replacement multiplied by the purchase price, and divided by twenty-five thousand.

~~((13))~~ (14) 'Reasonable number of attempts' means the definition provided in RCW 19.118.041.

~~((14))~~ (15) 'Replacement motor vehicle' means a new motor vehicle that is identical or reasonably equivalent to the motor vehicle to be replaced, as the motor vehicle to be replaced existed at the time of original purchase or lease, including any service contract, undercoating, rustproofing, and factory or dealer installed options.

~~((15))~~ (16) 'Serious safety defect' means a life-threatening malfunction or nonconformity that impedes the consumer's ability to control or operate the new motor vehicle for ordinary use or reasonable intended purposes or creates a risk of fire or explosion.

~~((16))~~ (17) 'Substantially impair' means to render the new motor vehicle unreliable, or unsafe for ordinary use, or to diminish the resale value of the new motor vehicle below the average resale value for comparable motor vehicles.

~~((17))~~ (18) 'Warranty' means any implied warranty, any written warranty of the manufacturer, or any affirmation of fact or promise made by the manufacturer in connection with the sale of a new motor vehicle that becomes part of the basis of the bargain. The term 'warranty' pertains to the obligations of the manufacturer in relation to materials, workmanship, and fitness of a new motor vehicle for ordinary use or reasonably intended purposes throughout the duration of the warranty period as defined under this section.

~~((18))~~ (19) 'Warranty period' means the period ending two years after the date of the original delivery to the consumer of a new motor vehicle, or the first twenty-four thousand miles of operation, whichever occurs first.

NEW SECTION. Sec. 2. The purpose of this chapter is to protect the public and contract providers from losses arising from the mismanagement of funds paid for motor vehicle service contracts, to better inform the public of their rights and obligations under the contracts, to permit purchasers of such contracts the opportunity to return the contract for a refund, and to require the liabilities owed under these contracts to be fully insured, rather than partially insured, or insured only in the event of provider default.

NEW SECTION. Sec. 3. (1) Every insurer issuing a reimbursement insurance policy shall include, as a part of the policy, the motor vehicle service contract(s) that the reimbursement insurance policy is intended to cover. Notwithstanding RCW 48.18.100, subsequent changes to the motor vehicle service contract(s) must be filed by the insurer with the commissioner no later than thirty days after the date of the change.

(2) Every insurer issuing a reimbursement insurance policy must require that premiums due for coverage under the policy be paid directly by the provider to the insurer or its agent.

NEW SECTION. Sec. 4. A motor vehicle service contract shall not be issued, sold, or offered for sale in this state unless the contract contains a conspicuous statement that has been initialed by the service contract holder and discloses:

(1) Any material conditions that the service contract holder must meet to maintain coverage under the contract including, but not limited to any maintenance schedule to which the service contract holder must adhere, any requirement placed on the service contract holder for documenting repair or maintenance work, and any procedure to which the service contract holder must adhere for filing claims;

(2) The work and parts covered by the contract;

(3) Any time or mileage limitations;

(4) That the implied warranty of merchantability on the motor vehicle is not waived if the contract has been purchased within ninety days of the purchase date of the motor vehicle from a provider who also sold the motor vehicle covered by the contract;

(5) Any exclusions of coverage; and

(6) The contract holder's right to return the contract for a refund, which right can be no more restrictive than provided for in section 5 of this act.

NEW SECTION. Sec. 5. (1) At a minimum, every provider shall permit the service contract holder to return the contract within thirty days of its purchase if no claim has been made under the contract, and shall refund to the holder the full purchase price of the contract unless the service contract holder returns the contract ten or more days after its purchase, in which case the provider may charge a cancellation fee not exceeding twenty-five dollars. A ten percent penalty shall be added to any refund that is not paid within thirty days of return of the contract to the provider. If a contract holder returns the contract within thirty days of its purchase or within such longer time period as permitted under the contract, the contract shall be void from the beginning and the parties shall be in the same position as if no contract had been issued.

(2) If a service contract holder returns the contract in accordance with this section, the insurer issuing the reimbursement insurance policy covering the contract shall refund to the provider the full premium paid by the provider for coverage of the contract.

Sec. 6. Section 3, chapter 99, Laws of 1987 and RCW 48.96.030 are each amended to read as follows:

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.

Sec. 7. Section 4, chapter 99, Laws of 1987 and RCW 48.96.040 are each amended to read as follows:

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 insurance policy, and unless the contract conspicuously states the name and address of the issuer of the reimbursement insurance policy, the applicable policy number, and the means by which a service contract holder may file a claim under the policy.

Sec. 8. Section 5, chapter 99, Laws of 1987 and RCW 48.96.050 are each amended to read as follows:

~~((This chapter does))~~ RCW 48.96.020, 48.96.030, and 48.96.040 do not apply to motor vehicle service contracts issued by a motor vehicle manufacturer or ~~((importer))~~ import distributor covering vehicles manufactured or imported by the motor vehicle manufacturer or import distributor.

Sec. 9. Section 6, chapter 99, Laws of 1987 and RCW 48.96.060 are each amended to read as follows:

Failure to comply with the provisions of this chapter 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 insurance 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. 10. Sections 2 through 5 of this act are each added to chapter 48.96 RCW.

NEW SECTION. Sec. 11. Sections 2 through 10 of this act shall take effect January 1, 1991."

On page 1, line 1 of the title, after "warranties;" strike the remainder of the title and insert "amending RCW 19.118.021, 48.96.030, 48.96.040, 48.96.050, and 48.96.060; adding new sections to chapter 48.96 RCW; and providing an effective date."

Signed by Senators von Reichbauer, McMullen; Representatives Dellwo, P. King, Smith.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2430 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2602, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

March 7, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED HOUSE BILL NO. 2602, changing provisions relating to support services for adoptions, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Committee on Ways & Means amendments adopted on March 1, 1990, be rejected (For amendments, see Journal, 58th Day, March 6, 1990.), and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. (1) The legislature finds that each year less than five percent of pregnant teens relinquish their babies for adoption in Washington state. Nationally, fewer than eight percent of pregnant teens relinquish their babies for adoption.

(2) The legislature further finds that barriers such as lack of information about adoption, inability to voluntarily enter into adoption agreements, and current state public assistance policies act as disincentives to adoption.

(3) It is the purpose of this act to support adoption as an option for women with unintended pregnancies by removing barriers that act as disincentives to adoption.

Sec. 2. Section 816, chapter 9, Laws of 1989 1st ex. sess. and RCW 74.04.005 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) 'Public assistance' or 'assistance'—Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) 'Department'—The department of social and health services.

(3) 'County or local office'—The administrative office for one or more counties or designated service areas.

(4) 'Director' or 'secretary' means the secretary of social and health services.

(5) 'Federal-aid assistance'—The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6) (a) 'General assistance'—Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Are either:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) Incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of sixty days as determined by the department. Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. This subsection (6)(a)(ii)(B) shall not be construed to prohibit the department from granting general assistance benefits to alcoholics

and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program:

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(e) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who remain otherwise eligible and who are not eligible to receive benefits under the federal aid to families with dependent children program shall not have their benefits terminated until six weeks following the birth of the recipient's child.

(7) 'Applicant'—Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) 'Recipient'—Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) 'Standards of assistance'—The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) 'Resource'—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property, but the recipient must sign an agreement to dispose of the property and repay assistance payments made to the date of disposition of the property which would not have been made had the disposal occurred at the beginning of the period for which the payments of such assistance were made. In no event shall such amount due the state exceed the net proceeds otherwise available to the recipient from the disposition, unless after nine months from the date of the agreement the property has not been sold, or if the recipient's eligibility for financial assistance ceases for any other reason. In these two instances the entire amount of assistance paid during this period will be treated as an overpayment and a debt due the state, and may be recovered pursuant to RCW 43.20B.630.

(11) 'Income'—(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) 'Need'—The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 3. Section 2, chapter 155, Laws of 1984 and RCW 26.33.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Alleged father' means a person whose parent-child relationship has not been terminated, who is not a presumed father under chapter 26.26 RCW, and who alleges himself or whom a party alleges to be the father of the child. It includes a person whose marriage to the mother was terminated more than three hundred days before the birth of the child or who was separated from the mother more than three hundred days before the birth of the child.

(2) 'Child' means a person under eighteen years of age.

(3) 'Adoptee' means a person who is to be adopted or who has been adopted.

(4) 'Adoptive parent' means the person or persons who seek to adopt or have adopted an adoptee.

(5) 'Court' means the superior court.

(6) 'Department' means the department of social and health services.

(7) 'Agency' means any public or private association, corporation, or individual licensed or certified by the department as a child placing agency under chapter 74.15 RCW or as an adoption agency.

(8) 'Parent' means the natural or adoptive mother or father of a child, including a presumed father under chapter 26.26 RCW. It does not include any person whose parent-child relationship has been terminated by a court of competent jurisdiction.

(9) 'Legal guardian' means the department, an agency, or a person, other than a parent or stepparent, appointed by the court to promote the child's general welfare, with the authority and duty to make decisions affecting the child's development.

(10) 'Guardian ad litem' means a person, not related to a party to the action, appointed by the court to represent the best interests of a party who is under a legal disability.

(11) 'Relinquish or relinquishment' means the voluntary surrender of custody of a child to the department, an agency, or prospective adoptive parents.

(12) 'Birth parent' means the biological mother or father of a child, including a presumed father under chapter 26.26 RCW, if the parent-child relationship has been terminated by a court of competent jurisdiction. 'Birth parent' does not include a biological mother or biological or alleged father, including a presumed father under chapter 26.26 RCW, if the parent-child relationship was terminated because of a conviction of rape of a child in the first, second, or third degree or child molestation in the first, second, or third degree as defined in chapter 9A.44 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 26.33 RCW to read as follows:

(1) Nothing in this chapter shall be construed to prohibit the parties to a proceeding under this chapter from entering into agreements regarding communication with or contact between child adoptees, adoptive parents, and a birth parent or parents.

(2) Agreements regarding communication with or contact between child adoptees, adoptive parents, and a birth parent or parents shall not be legally enforceable unless the terms of the agreement are set forth in a written court order entered in accordance with the provisions of this section. The court shall not enter a proposed order unless the terms of such order have been approved in writing by the prospective adoptive parents, any birth parent whose parental rights have not previously been terminated, and, if the child is in the custody of the department or a licensed child-placing agency, a representative of the department or child-placing agency. If the child is represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child-custody proceeding, the terms of the proposed order also must be approved in writing by the child's representative. An agreement under this section need not disclose the identity of the parties to be legally enforceable. The court shall not enter a proposed order unless the court finds that the communication or contact between the child adoptee, the adoptive parents, and a birth parent or parents as agreed upon and as set forth in the proposed order, would be in the child adoptee's best interests.

(3) Failure to comply with the terms of an agreed order regarding communication or contact that has been entered by the court pursuant to this section shall not be grounds for setting aside an adoption decree or revocation of a written consent to an adoption after that consent has been approved by the court as provided in this chapter.

(4) An agreed order entered pursuant to this section may be enforced by a civil action and the prevailing party in that action may be awarded, as part of the costs of the action, a reasonable amount to be fixed by the court as attorneys' fees. The court shall not modify an agreed order under this section unless it finds that the modification is necessary to serve the best interests of the child adoptee, and that: (a) The modification is agreed to by the adoptive parent and the birth parent or parents; or (b) exceptional circumstances have arisen since the agreed order was entered that justify modification of the order.

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

(1) The department of social and health services shall establish, within funds appropriated for the purpose, a reconsideration program to provide medical and counseling services through the adoption support program for children of families who apply for services after the adoption is final. Families requesting services through the program shall provide any information requested by the department for the purpose of processing the family's application for services.

(2) A child meeting the eligibility criteria for registration with the program is one who:

(a) Was residing in foster care funded by the department immediately prior to the adoption placement;

(b) Had a physical or mental handicap or emotional disturbance that existed and was documented prior to the adoption; and

(c) Resides in the state of Washington with an adoptive parent who lacks the necessary financial means to care for the child's special need.

(3) If a family is accepted for registration and meets the criteria in subsection (2) of this section, the department may enter into an agreement for services. Prior to entering into an agreement for services through the program, the medical needs of the child must be reviewed and approved by the department's office of personal health services.

(4) Any services provided pursuant to an agreement between a family and the department shall be met from the department's medical program. Such services shall be limited to:

(a) Services provided after finalization of an agreement between a family and the department pursuant to this section;

(b) Services not covered by the family's insurance or other available assistance; and

(c) Services related to the eligible child's identified physical or mental handicap or emotional disturbance that existed prior to the adoption.

(5) Any payment by the department for services provided pursuant to an agreement shall be made directly to the physician or provider of services according to the department's established procedures.

(6) The total costs payable by the department for services provided pursuant to an agreement shall not exceed twenty thousand dollars per child.

NEW SECTION. Sec. 6. The department of social and health services shall report to the 1991 legislature regarding the applications for the program established under section 5 of this act. The report shall contain information regarding the requests for financial assistance, both those that qualify and those that do not, and shall include the estimated cost for providing the services requested.

Sec. 7. Section 4, chapter 63, Laws of 1971 ex. sess. as last amended by section 135, chapter 7, Laws of 1985 and RCW 74.13.109 are each amended to read as follows:

The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145.

Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

Such agreements shall meet the following criteria:

(1) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

(2) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

(3) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need support, provided that if the secretary shall find that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 the secretary may do so, subject to all the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145, including annual review of the amount of such support.

(4) Any prospective parent who is to be a party to such agreement shall be a person who ~~((white having))~~ has the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child ~~((lacks the financial means fully to care for such hard to place child))~~.

Sec. 8. Section 11, chapter 63, Laws of 1971 ex. sess. as last amended by section 142, chapter 7, Laws of 1985 and RCW 74.13.130 are each amended to read as follows:

~~((if the secretary determines that a prospective adoptive parent or parents cannot, because of limited financial means, pay the cost or the full cost of an adoption proceeding for the adoption of a hard to place child who would be eligible for support under RCW 26.33.320~~

and 74.13.100 through 74.13.145, the secretary may authorize the payment from the appropriations available from the general fund of all or part a reasonable attorney's fee to be determined by the superior court hearing the adoption and court costs. The clerk of the court shall furnish the secretary with a certified copy of the decree of adoption containing the finding as to such attorney's fee.

In evaluating any such prospective parent's ability to pay the secretary may use the same criteria for evaluating ability to pay which are to be used by him in waiving, reducing, or deferring fees pursuant to RCW 74.13.103 plus the burdens likely to be assumed by such parent even after adoption support is provided pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145)) The secretary may authorize the payment, from the appropriations available from the general fund, of all or part of the nonrecurring adoption expenses incurred by a prospective parent. 'Nonrecurring adoption expenses' means those expenses incurred by a prospective parent in connection with the adoption of a difficult to place child including, but not limited to, attorneys' fees, court costs, and agency fees. Payment shall be made in accordance with rules adopted by the department.

This section shall have retroactive application to January 1, 1987. For purposes of retroactive application, the secretary may provide reimbursement to any parent who adopted a difficult to place child between January 1, 1987, and one year following the effective date of this act, regardless of whether the parent had previously entered into an adoption support agreement with the department.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void.

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."

On page 1, line 1 of the title, after "adoption," strike the remainder of the title and insert "amending RCW 74.04.005, 26.33.020, 74.13.109, and 74.13.130; adding a new section to chapter 26.33 RCW; adding a new section to chapter 74.13 RCW; and creating new sections."

Signed by Senators Smith, Patrick; Representatives Sayan, Hine, Moyer.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed House Bill No. 2602 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2932, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2932, providing for regional water resource planning, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Committee on Agriculture amendments adopted on February 27, 1990, be adopted (For amendments, see Journal, 55th Day, March 3, 1990.), and

The following amendments be adopted:

On page 2, beginning on line 6 of the amendment, strike all of subsection (1)(b) of section 1 and insert the following:

"(b) All citizens of Washington share an interest in the proper stewardship of our invaluable water resources. To ensure that available water supplies are managed to best meet both instream and offstream needs, a comprehensive planning process is essential. The people of the state have the unique opportunity to work together to plan and manage our water. Through a comprehensive planning process that includes the state, Indian tribes, local governments, and interested parties, it is possible to make better use of available water supplies and achieve better management of water resources. Through comprehensive planning, conflicts

among water users and interests can be reduced or resolved. It is in the best interests of the state that comprehensive water resource planning be given a high priority so that water resources and associated values can be utilized and enjoyed today and protected for tomorrow."

On page 10, after line 4 of the amendment, insert the following:

"NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 10, line 13 of the title amendment, after "RCW;" strike "and creating a new section" and insert "creating a new section; and declaring an emergency"

Signed by Senators Barr, Hansen, Newhouse; Representatives K. Wilson, R. Fisher, Miller.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2932 was adopted and the committee was granted the powers of Free Conference.

The Speaker (Mr. Braddock presiding) called on Representative Jacobsen to preside.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5450 and once again asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Bailey, Talmadge and Lee, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jesernig moved that the House grant the request of the Senate for a conference on Engrossed Substitute Senate Bill No. 5450. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Jacobsen presiding) appointed Representatives Jacobsen, Spaul and Van Luven as conferees on Engrossed Substitute Senate Bill No. 5450.

The Speaker resumed the Chair.

HOUSE BILL NO. 2555, by Representatives Rayburn, Nealey, McLean and Rasmussen; by request of Department of Agriculture

Repealing the Washington Animal Remedy Act.

The House resumed consideration of the Senate amendments to House Bill No. 2555. (For previous action, see Journal, 57th Day, March 5, 1990, Afternoon Session.)

The Speaker stated the question before the House to be the Point of Order by Representative Cantwell regarding the scope and object of the Senate amendments to House Bill No. 2555.

SPEAKER'S RULING

The Speaker: House Bill No. 2555 is a measure repealing Chapter 15.52 RCW, "The Washington Animal Remedy Act." The Senate amendment changes the definition section of that act, repeals the remainder of the act, and adds new sections to the same RCW chapter.

The Speaker would first explain to the House that, when the sole purpose of a bill is to repeal a law, amendments intended to retain or amend that same law do not necessarily change the scope and object of the bill. As with all scope and object rulings, the question to be decided is whether or not the proposed amendment is within the scope and object of the original bill, in this case The Animal Remedy Act.

The Speaker has examined language of The Animal Remedy Act and the proposed Senate amendment. The Animal Remedy Act requires the Department of

Agriculture to register "livestock remedies" and to regulate the sale of these products in order to protect the health of domestic animals and to protect the public from both health risks and from false advertising. The Senate amendment alters the definition of livestock remedies, repeals the rest of the act, and adds new sections which allow the Director of Agriculture to restrict the use of livestock remedies which The Dairy Commission finds would pose "a threat to the economic vitality of the dairy industry in the state."

The Speaker finds the Senate amendment does change the scope and object of House Bill No. 2555, because it brings in the unrelated issue of the economic vitality of a particular industry in addition to the subject of the underlying bill, registration of animal remedies for the protection of the public. Representative Cantwell, your point is well taken. The Senate amendment is outside the scope and object of the original bill.

MOTION

Ms. Rayburn moved that the House refuse to concur in the Senate amendments to House Bill No. 2555 and ask the Senate to recede therefrom.

Representatives Nealey and Brough spoke in favor of the motion.

POINT OF ORDER

Mr. Heavey: Mr. Speaker, the member is not speaking to the merits of this motion.

SPEAKER'S RULING

The Speaker: Please try to restrict your remarks to the motion before us, Representative Brough.

Ms. Brough concluded her remarks in favor of the motion, and it was carried.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 6434 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Metcalf, Bender and Sellar, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. R. Fisher moved that the House grant the request of the Senate for a conference on Engrossed Substitute Senate Bill No. 6434.

Ms. Schmidt spoke against the motion.

The Speaker stated the question before the House to be the motion by Representative R. Fisher to grant the request of the Senate for a conference on Engrossed Substitute Senate Bill No. 6434.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 54; Nays - 43. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Todd, Bennett and Schmidt as conferees on Engrossed Substitute Senate Bill No. 6434.

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

MOTION

On motion of Mr. Heavey, the House adjourned until 9:30 a.m., Thursday, March 8, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SIXTIETH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, March 8, 1990

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Day, G. Fisher, P. King, Locke and Todd. On motion of Ms. Cole, Representatives Day, P. King and Todd were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Daniel Ghramm and Laura Meals. Prayer was offered by Mary-Lynne Reiner of Temple Beth Hatfiloh of Olympia.

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

MESSAGES FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 2555, and passed the bill without said amendments, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 6664. The President has appointed the following members as conferees: Senators Lee, Smitherman and Anderson, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 90-4763, by Representatives Cole, Rust, O'Brien, Anderson and Miller

WHEREAS, It is the policy of the Legislature to promote excellence in all fields of endeavor; and

WHEREAS, Music, dance and art have always been important to the citizens of Washington State in expressing their emotions, beliefs and enjoyment of life; and

WHEREAS, The month of March is Youth Arts Month; and

WHEREAS, Teachers and administrators with the Shoreline School District, Shorecrest High School and Shorewood High School, recognize the value of the arts and have supported and encouraged young people who express interest in and enjoyment of art, dance and music; and

WHEREAS, The students from Shoreline School District who participate in art, dance and music have received numerous awards and honors over the years; and

WHEREAS, Shorecrest High School's talented Margot Malone had her design selected for the Washington State Art Education Association's Youth Art Month flag; and

WHEREAS, This flag will be flown over the United State's Capitol Building for one day this year; and

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the exceptional artistic accomplishments of Ms. Malone, along with all the state's young people in the arts, as well as the schools which acknowledge and support their skills and talents; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives send copies of this Resolution to Margot Malone; to Dr. Roy Duncan, Superintendent of Shoreline School District; to Susan Dersé, Principal of Shorecrest High School; and to Robert Short, Principal of Shorewood High School.

Ms. Cole moved adoption of the resolution.

Representatives Cole, Miller and Rust spoke in favor of the resolution.

House Floor Resolution No. 90-4763 was adopted.

MESSAGE FROM THE SENATE

March 8, 1990

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6031,

SUBSTITUTE SENATE BILL NO. 6499,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 90-4770, by Representatives Nealey and Prince

WHEREAS, Team sports teach the value of cooperation and the role of leadership in striving for a common goal; and

WHEREAS, Successful team play is the result of diligent effort, careful guidance and the enthusiastic support of the fans; and

WHEREAS, The Asotin High School Girls Basketball Team demonstrated all this when it romped to a rousing victory to become the State Class B Tournament Champions; and

WHEREAS, The team has compiled an enviable eighteen and two record for the 1989-1990 season; and

WHEREAS, Rick Wilcox guided the Panthers to the 1990 state playoffs where they captured the championship in their first playoff appearance; and

WHEREAS, The Asotin student body and faculty have provided whole-hearted and ardent support of the team, as has the whole community; and

WHEREAS, The Panthers have earned this outstanding record with twelve exceptional team members: Michele Broeneke, Kerri McMillan, Jennifer McClure, Sarah Smith, Bobbi Jungert, Liz Kevelin, Angie Reeves, Heidi Faught, Karen Christianson, Angela Berzett, Kristin Eggleston, and Danyell Smith;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize and congratulate the Asotin Panthers Girls' Basketball Team members for their dedication and superior team play, which culminated in the reward of a statewide victory; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Asotin High School Girls' Basketball Team, their Coach and to the Principal of the High School for the entire student body.

Mr. Nealey moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 90-4770 was adopted.

HOUSE FLOOR RESOLUTION NO. 90-4757, by Representatives Jacobsen, Van Loven, Smith, Ballard and Baugher

WHEREAS, Education Week is an annual, five-day program conducted on the campus of Central Washington University; and

WHEREAS, Education Week is designed to interest the best and brightest of Washington State's High School Sophomores and Juniors in Teacher Education and the teaching profession; and

WHEREAS, In the last four years, Education Week has attracted eight hundred students who have enthusiastically participated and received scholarships to attend; and

WHEREAS, Education Week 1990 expects to attract more than two hundred twenty-five students; and

WHEREAS, Education Week has proven to be a valuable tool in recruiting outstanding students to teacher preparation programs in Washington State and continues to strive to attract minority students to Teacher Education; and

WHEREAS, Education Week is jointly sponsored by Central Washington University, the Office of the Superintendent of Public Instruction, the Washington Education Association, the Association of Washington School Principals, the Washington Association of School Administrators, the Washington School Directors' Association, the Washington Congress of Parents and Teachers, the Washington State Retired Teachers Foundation and the Washington School Public Relations Association;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State House of Representatives, That the fifth annual Education Week, June 24 through June 28, 1990, be designated and proclaimed Education Week 1990; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Central Washington University, the Office of the Superintendent of Public Instruction, the Washington Education Association, the Association of Washington School Principals, the Washington Association of School Administrators, the Washington School Directors' Association, the Washington Congress of Parents and Teachers, the Washington State Retired Teachers Foundation and the Washington School Public Relations Association.

Mr. Jacobsen moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 90-4757 was adopted.

HOUSE FLOOR RESOLUTION NO. 90-4774, by Representatives Ballard, McLean, Doty and Inslee

WHEREAS, Dean Nicholson, Coach of the Central Washington University Wildcats, is only the seventeenth coach in the history of collegiate basketball to achieve six hundred career wins; and

WHEREAS, This mark was achieved when the Wildcats romped their way to a 93 to 69 win over Seattle University; and

WHEREAS, Coach Dean Nicholson has had twenty-four winning seasons in twenty-six years and has qualified twenty-one teams for national tournaments in twenty-five seasons; and

WHEREAS, The nationally twelfth ranked, NAIA winningest CWU Wildcats have again qualified for this season's national playoffs in Kansas City, Missouri, aiming for their thirty-ninth victory; and

WHEREAS, In 1987, Dean Nicholson was named as one of five coaches on the National Association of Intercollegiate Athletics' 50th Anniversary All-Time Team; and

WHEREAS, Dean Nicholson has been elected to both the NAIA and the CWU Halls of Fame and was NAIA National Coach-of-the-Year in 1969-1970; and

WHEREAS, The winningest father and son coaching combination in the history of collegiate basketball is Dean Nicholson and the late Leo Nicholson, his father, who have more than eleven hundred wins between them; and

WHEREAS, Dean Nicholson is tied for the title of the Winningest Coach in the history of the NAIA national tournament with thirty-six victories, with six teams qualified for the Final Four and ten teams qualified for the quarterfinals; and

WHEREAS, CWU honored Dean Nicholson's classroom teaching with the 1983 Distinguished Teacher Award;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize and commend Dean Nicholson for his magnificent coaching record, for his exceptional ability to teach cooperation and engender team spirit, and for his unwavering commitment to the healthy development of young people; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Dean Nicholson, Coach of the Central Washington University Wildcats.

Mr. Ballard moved adoption of the resolution.

Representatives Ballard, Doty, Basich and Leonard spoke in favor of the resolution.

House Floor Resolution No. 90-4774 was adopted.

HOUSE FLOOR RESOLUTION NO. 90-4769, by Representatives Wolfe, Moyer, D. Sommers, Rector, Dellwo, Day, Fuhrman, Kirby, Padden and Silver

WHEREAS, As a part of Washington State's one-hundredth birthday celebration, the Centennial Summer Games were staged in Spokane; and

WHEREAS, This exciting event attracted a total of three thousand state's amateur athletes, thirteen years old and older, competing in thirty-three different sports, ranging from baseball to wrestling; and

WHEREAS, Olympic-style competition at the state level is currently the most significant trend for amateur sports and Washington has the highest number of Olympic medalists per capita in the nation; and

WHEREAS, The participants in this event exhibited great sportsmanship and exceptional athletic talent; and

WHEREAS, The Centennial Summer Games were well-attended and were acclaimed by all to have been an overwhelming success; and

WHEREAS, The venues involved and Spokane, with tremendous and visible community support from all segments of the city and county, exemplified outstanding hospitality and true centennial spirit; and

WHEREAS, Outstanding contributions to the success of the event were made by Dr. Scot L. Bradley, Faris Charbonneau, Art Coffey, Mike Roth, Tom Garrett, Walt Rulfes, Colonel Steve Smith, Sharon Matthews, Penny Green, Bridget Piper, Dave Levitch, Allen Schweim and Lunell Haught;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and extend its appreciation to the tireless Spokane volunteers, officials and organizational staff, the public spirited companies that made significant contributions in cash and in-kind, and to all that participated in these games; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives.

Mr. Wolfe moved adoption of the resolution.

Representatives Wolfe and Betrozoff spoke in favor of the resolution.

House Floor Resolution No. 90-4769 was adopted.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 2403, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

March 5, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE HOUSE BILL NO. 2403, adding video telecommunication responsibilities to the department of information services, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate amendments by Senators Thorsness, Gaspard and Madsen, adopted as amended on March 1, 1990, be adopted (For amendments, see Journal, 57th Day, March 5, 1990), and

The following amendments be adopted:

On page 7, line 1, after "RCW" strike "43.105.041" and insert "43.104.032"

On page 18, line 11, after "opportunities;" strike "and"

On page 18, line 19, after "resources" insert "; and"

(g) The director of the department of information services, or his or her designee.

(3) The committee shall select a chairperson from among its members"

On page 19, line 30, after "apply to" strike "section 15" and insert "sections 15 and 16"

On page 20, beginning on line 14, strike all material through "1991." on page 22, line 29, and insert the following:

"NEW SECTION. Sec. 15. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction, in cooperation with the Washington state school directors' association, shall notify all school districts of the study under section 16 of this act. The superintendent of public instruction shall encourage districts not to make a decision on using televised educational programming that includes commercial advertising until the results of the study under section 16 of this act are available.

NEW SECTION. Sec. 16. (1) The superintendent of public instruction shall conduct a study on the implications and impact of commercial promotional activities and commercial sponsorship activities on educational programming and upon the education system generally.

(2) The study shall include:

(a) Districts in Washington that have entered into a contract or agreement that permits, in schools, televised educational programming that includes commercial advertising; and

(b) To the extent possible, districts in other states that pilot-tested or are using televised educational programming in schools that includes commercial advertising.

(3) The study shall include an examination of the impact of such televised educational programming on:

(a) Students', teachers', and administrators' feelings about the value of the programming as part of the social studies curriculum; and

(b) Students', parents', teachers', and administrators' feelings about the appropriateness of required viewing of commercial advertising as part of the televised educational programming.

(4) The superintendent of public instruction shall submit a report to the legislature and to all school districts not later than January 15, 1991. The report shall include findings and recommendations, including policy options relating to allowing, prohibiting, or limiting the use of commercial promotional activities or commercial sponsorship activities in the public school system."

Renumber the remaining section consecutively.

On page 23, line 16 of the title amendment, after "sections;" strike "providing an expiration date;"

Signed by Senators Thorsness, Madsen; Representatives Rector, Todd, McLean.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute House Bill No. 2403 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212, relating to a constitutional amendment to allow current use valuation for property devoted to low-income housing, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

The House Committee on Housing amendments be rejected (For committee amendments, see Journal, 46th Day, February 22, 1990.), and

The following amendment be adopted:

On page 1, line 14, after "of" strike "property with buildings" and insert "properties with dwelling units"

Signed by Senators Lee, Murray, Smith; Representatives Todd, Leonard, Winsley.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute Senate Joint Resolution No. 8212 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 7, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 6306, revising provisions for tenure at community colleges, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

All previous amendments be rejected, and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Improving the quality of instruction at our state institutions of higher education is a priority of the legislature. Recently, many efforts have been made by the legislature, the colleges, and the higher education coordinating board to assess and improve the quality of instruction received by students at our state institutions. It is the intent of the legislature that, in conjunction with these various efforts, the process for the award of faculty tenure at community colleges should allow for a thorough review of the performance of faculty appointees prior to the granting of tenure.

Sec. 2. Section 34, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.852 are each amended to read as follows:

The appointing authority shall promulgate rules and regulations implementing RCW 28B.50.850 through 28B.50.869 and shall provide for the award of faculty tenure following a probationary period not to exceed ~~((three consecutive regular college years))~~ nine consecutive college quarters, excluding summer quarter and approved leaves of absence; PROVIDED, That tenure may be awarded at any time as may be determined by the appointing authority after it has given reasonable consideration to the recommendations of the review committee. At the recommendation of the review committee and with the consent of the probationary faculty member and the appointing authority, the probationary period may be extended up to three additional college quarters.

NEW SECTION. Sec. 3. The state board for community college education, in consultation with appropriate faculty organizations, labor representatives, and the governing boards and administrations of local community college districts, shall conduct a thorough review and study of salaries for full and part-time faculty and administrators at community colleges. The state board shall report to the legislature by January 1, 1991, on the results of this study, including specific recommendations on salary levels, payments for increments and advancements, bargaining, and allocation of salary funds.

NEW SECTION. Sec. 4. Nothing contained in this act shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement.

NEW SECTION. Sec. 5. Sections 1 and 2 of this act shall take effect July 1, 1990, and shall apply to all faculty appointments made by community colleges after June 30, 1990, but shall not apply to employees of community colleges who hold faculty appointments prior to July 1, 1990.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "colleges;" strike the remainder of the title and insert "amending RCW 28B.50.852; creating new sections; and providing an effective date."

Signed by Senators Saling, Bauer, Amondson; Representatives Bennett, Jacobsen, Miller.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute Senate Bill No. 6306 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 7, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6434, enhancing bicycle safety, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

All previous amendments be rejected, and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 43.43 RCW to read as follows:

Bicycling is popular for all ages. Almost all families now have bicycles. Bicycling takes more skill than most people realize. Since bicyclists have a low profile in traffic and are unprotected, they need more defensive riding skills than motorists do.

A bicycle awareness program is created within the Washington state patrol. In developing the curriculum for the bicycle awareness program the patrol shall consult with the traffic safety commission and with bicycling groups currently providing bicycle safety education. The patrol shall conduct the program in conjunction with the safety education officer program and may use other law enforcement personnel and volunteers to implement the program for children in grades kindergarten through six. The patrol shall ensure that each safety educator presenting the bicycle awareness program has received specialized training in bicycle safety education and has been trained in effective defensive bicycle riding skills.

Sec. 2. Section 46.04.670, chapter 12, Laws of 1961 as amended by section 4, chapter 213, Laws of 1979 ex. sess. and RCW 46.04.670 are each amended to read as follows:

'Vehicle' includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, ~~((excepting)) including bicycles, but not including devices other than bicycles~~ moved by human or animal power or used exclusively upon stationary rails or tracks, except that mopeds shall be considered vehicles or motor vehicles for the purposes of chapter 46.12 RCW, but not for the purposes of chapter 46.70 RCW, and bicycles shall not be considered vehicles for the purposes of chapter 46.12 or 46.70 RCW.

Sec. 3. Section 92, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.990 are each amended to read as follows:

Sections 1 through 52 and 54 through 86 of ~~((this amendatory act))~~ chapter 155, Laws of 1965 ex. sess. are added to chapter 12, Laws of 1961 and shall constitute a new chapter in Title 46 of the Revised Code of Washington and sections 54, 55, and 63 as herein amended and RCW 46.48.012, 46.48.014, 46.48.015, 46.48.016, 46.48.023, 46.48.025, 46.48.026, 46.48.041, 46.48.046, 46.48.050, 46.48.060, 46.48.080, 46.48.110, 46.48.120, 46.48.150, 46.48.160, 46.48.340, 46.56.030, 46.56.070, 46.56.100, 46.56.130, 46.56.135, 46.56.190, 46.56.200, 46.56.210, 46.56.220, 46.56.230, 46.56.240, 46.60.260, 46.60.270, 46.60.330, and 46.60.340 shall be reclassified as and be a part of said chapter. The sections of the new chapter shall be organized under the following captions: 'OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS', 'TRAFFIC SIGNS, SIGNALS AND MARKINGS', 'DRIVING ON RIGHT SIDE OF ROADWAY—OVERTAKING AND PASSING—USE OF ROADWAY', 'RIGHT OF WAY', 'PEDESTRIANS' RIGHTS AND DUTIES', 'TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING', 'SPECIAL STOPS REQUIRED', 'SPEED RESTRICTIONS', 'RECKLESS DRIVING, DRIVING WHILE INTOXICATED AND NEGLIGENT HOMICIDE BY VEHICLE', 'STOPPING, STANDING AND PARKING', 'MISCELLANEOUS RULES', and 'OPERATION OF ~~((BICYCLES AND PLAY))~~ NONMOTORIZED VEHICLES'. Such captions shall not constitute any part of the law.

NEW SECTION. Sec. 4. The installation of painted reflective stripes along the right edge of roadways can enhance both bicycle and pedestrian safety, but certain types of reflective materials, such as raised pavement markers can cause bicyclists to lose control of their vehicles and fall into the path of oncoming motor vehicle traffic. Therefore it is appropriate to develop uniform guidelines for the installation of reflective edgestripes along urban and rural arterials.

NEW SECTION. Sec. 5. A new section is added to chapter 47.36 RCW to read as follows:

The department of transportation shall, by January 1, 1991, adopt uniform edgestripping standards for principal and minor arterials and collector streets that do not have curbs or sidewalks and are inside urbanized areas or in other areas deemed appropriate by the department. Such arterial and collector streets shall be edgestriped in accordance with the standards by July 1, 1993. The standards shall not require edgestripping in any situation where the result would be a remaining lane width of eight feet, six inches or less.

For the purposes of this section, 'urbanized area' means an area designated as such by the United States bureau of census and having a population of more than fifty thousand. Other jurisdictions which install edgestripping material shall do so in a manner not in conflict with the uniform state standard.

Sec. 6. Section 46.37.480, chapter 12, Laws of 1961 as last amended by section 6, chapter 227, Laws of 1988 and RCW 46.37.480 are each amended to read as follows:

(1) No person shall drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle.

(2) No person shall operate any bicycle or motor vehicle on a public highway while wearing any headset or earphones connected to any electronic device capable of receiving a radio broadcast or playing a sound recording for the purpose of transmitting a sound to the human auditory senses and which headset or earphones muffle or exclude other sounds to both ears. This subsection does not apply to students and instructors participating in a Washington state motorcycle safety program.

(3) This section does not apply to authorized emergency vehicles.

NEW SECTION. Sec. 7. A new section is added to chapter 43.59 RCW to read as follows:

Bicycling is increasing in our state. What used to be simply a children's activity is now a common form of transportation and recreation for children, adults, and families. Increased bicycling has many benefits: It is healthy, nonpolluting, energy efficient, and does not cause wear to the road system. Bicycling is an enjoyable activity that people with a wide range of physical abilities can share. The creation of the state bicycle program specified in section 10 of this act is essential to further the benefits of bicycling to the residents of the state.

NEW SECTION. Sec. 8. A new section is added to chapter 43.59 RCW to read as follows:

(1) The Washington state traffic safety commission is responsible for the initiation and operation of a bicycle program.

(2) To assist the commission in the operation of the bicycle program, a full-time staff position of state bicycle coordinator is established.

(3) The state bicycle coordinator shall coordinate bicycle safety related programs and bicycle tourism programs in all state agencies, encourage the use of bicycling for transportation, assist the department of transportation, and the cities and counties of the state in prioritizing, programming, and developing bicycle-related projects.

NEW SECTION. Sec. 9. A new section is added to chapter 43.59 RCW to read as follows:

The state bicycle coordinator shall:

(1) Gather bicycle program information and resources;

(2) Plan bicycle programs;

(3) Work with other state agencies to develop bicycle programs;

(4) Provide assistance in revising and updating superintendent of public instruction and state patrol bicycle material;

(5) Develop a grant program to distribute funds to local agencies in areas with high bicycle accident rates to create bicycle programs;

(6) Promote the use of bicycle transportation in this state; and

(7) Promote the use of bicycle helmets and other bicycle safety equipment.

NEW SECTION. Sec. 10. A new section is added to chapter 46.61 RCW to read as follows:

(1) After July 1, 1991, it is unlawful:

(a) For a person under the age of sixteen years to operate or ride upon a bicycle not powered by motor on a state highway, county road, city street, or a public sidewalk adjacent to the foregoing unless wearing a protective helmet of a type certified to meet the requirements of standard Z-90.4 of the American National Standards Institute or such subsequent nationally recognized standard for bicycle helmet performance as the state patrol may adopt by rule. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the cycle is in motion;

(b) For a person to transport a person under the age of sixteen years upon a bicycle or any other cycle not powered by motor on a state highway, county road, city street, or a public sidewalk adjacent to the foregoing unless the person transported is wearing a helmet that meets the requirements in (a) of this subsection;

(c) For the guardian of a person under the age of sixteen years to knowingly allow that person to operate or ride upon a bicycle or any other cycle not powered by motor on a state highway, county road, city street, or a public sidewalk adjacent to the foregoing unless that person is wearing a helmet that meets the requirements in (a) of this subsection. For the purpose of this subsection, 'guardian' means a parent, legal guardian, temporary guardian including a babysitter, or any other person who maintains responsibility, whether voluntary or otherwise, for the safety and welfare of a person under the age of sixteen years;

(d) For a person to sell or offer for sale a bicycle helmet that does not meet the requirements established by (a) of this subsection;

(e) For a person to rent a bicycle or cycle not powered by motor for use by a person known by the one renting to be under the age of sixteen years unless the person possesses a helmet that meets the requirements of (a) of this subsection, and the one renting is reasonably satisfied that the person will operate or ride upon the cycle while wearing such a helmet in the manner described in (a) of this subsection. For purposes of this subsection, it is the affirmative duty of persons renting bicycles or any other cycle not driven by motor to inquire concerning the age of persons who will operate or ride upon such cycles.

(2) Failure to comply with the requirements of this section does not constitute negligence. Neither failure to wear a bicycle helmet nor the permission of such failure to occur is admissible as evidence of negligence in any civil action.

(3) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when an operator of a bicycle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(4) The state patrol shall adopt rules to implement this section.

Sec. 11. Section 79, chapter 155, Laws of 1965 ex. sess. as last amended by section 6, chapter 55, Laws of 1982 and RCW 46.61.750 are each amended to read as follows:

(1) It is a traffic infraction for any person to do any act forbidden or fail to perform any act required in RCW 46.61.750 through 46.61.780 or section 10 of this act.

(2) During the period from July 1, 1991, to July 1, 1992, a person violating section 10 of this act may be issued a written warning of the violation. Beginning July 1, 1992, a person violating section 10 of this act shall be issued a notice of traffic infraction under chapter 46.63 RCW.

(3) These regulations applicable to bicycles apply whenever a bicycle is operated upon any highway or upon any bicycle path, subject to those exceptions stated herein.

NEW SECTION, Sec. 12. Section 1 of this act shall take effect September 1, 1990, but the chief of the Washington state patrol may take any action before that date to ensure that the section is implemented on its effective date. Sections 7 through 11 of this act shall take effect July 1, 1990.

In line 1 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 46.04.670, 46.61.990, 46.37.480, and 46.61.750; adding a new section to chapter 47.36 RCW; adding a new section to chapter 43.43 RCW; adding new sections to chapter 43.59 RCW; adding a new section to chapter 46.61 RCW; creating a new section; prescribing penalties; and providing effective dates."

Signed by Senators Metcalf, Bender; Representatives Todd, Bennett.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6434 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2888, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

March 7, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED HOUSE BILL NO. 2888, establishing a new child support schedule, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Committee on Law & Justice amendments, adopted as amended on February 27, 1990, be rejected (For amendments, see Journal, 55th Day, March 3, 1990), and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 10, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 375, Laws of 1989 and RCW 26.09.100 are each amended to read as follows:

In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court ((~~may~~)) shall order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined ((~~pursuant to the schedule adopted~~)) under chapter 26.19 RCW ((~~26.19.040~~)). The court may require periodic adjustments of support. The adjustment provision may be modified by the court due to economic hardship.

Sec. 2. Section 17, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 416, Laws of 1989 and RCW 26.09.170 are each amended to read as follows:

Except as provided in section 12 of this act, the provisions of this section do not apply to modification actions pursuant to section 12 of this act.

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and, except as otherwise provided in subsection (4) or (5) of this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(d) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

(5) An order or decree entered prior to June 7, 1984, may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require health insurance coverage for a child named therein; or

(b) Modify an existing order for health insurance coverage.

(6) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department of social and health services may file an action to modify an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is twenty-five percent or more below the appropriate child support amount set forth in the ~~((adopted))~~ child support schedule ~~and reasons for the deviation are not set forth in the findings of fact or order~~. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order.

Sec. 3. Section 2, chapter 430, Laws of 1987 and RCW 26.09.175 are each amended to read as follows:

(1) A proceeding for the modification of an order of child support shall commence with the filing of a petition ~~((and)),~~ a supporting financial affidavit, and worksheets. The petition and affidavit shall be in substantially the form prescribed by the administrator for the courts. There shall be a fee of twenty dollars for the filing of a petition for modification of dissolution.

(2) The petitioner shall serve upon the other party the summons, a copy of the petition and affidavit, and a blank copy of a financial affidavit and the worksheets in the form prescribed by the administrator for the courts. If the modification proceeding is the first action filed in this state, service shall be made by personal service. If the decree to be modified was entered in this state, service shall be by personal service or by any form of mail requiring a return receipt. If the support obligation has been assigned to the state pursuant to RCW 74.20.330 and notice has been filed with the court, the summons, petition, ~~((and))~~ affidavit, and worksheets shall also be served on the ~~((office of support enforcement))~~ attorney general. Proof of service shall be filed with the court.

(3) The responding party's answer and completed financial affidavit and worksheets shall be served and the answer filed within twenty days after service of the petition or sixty days if served out of state. The responding party's failure to file an answer within the time required shall result in entry of a default judgment for the petitioner.

(4) At any time after responsive pleadings are filed, either party may schedule the matter for hearing.

(5) Unless both parties stipulate to arbitration or the presiding judge authorizes oral testimony pursuant to subsection (6) of this section, a petition for modification of an order of child support shall be heard by the court on affidavits only.

(6) A party seeking authority to present oral testimony on the petition to modify a support order shall file an appropriate motion not later than ten days after the time of notice of hearing. Affidavits and exhibits setting forth the reasons oral testimony is necessary to a just adjudication of the issues shall accompany the petition. The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include, but are not limited to: (a) Substantial questions of credibility on a major issue; (b) insufficient or inconsistent discovery materials not correctable by further discovery; or (c) particularly complex circumstances requiring expert testimony.

(7) The administrator for the courts shall develop and prepare, in consultation with interested persons, model forms or notices for the use of the procedure provided by this section, including a notice advising of the right of a party to proceed with or without benefit of counsel.

Sec. 4. Section 2, chapter 275, Laws of 1988 and RCW 26.19.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) ~~((“Child support schedule” means the standards and economic table adopted by the commission;~~

~~2) “Standards” means the standards for determination of child support which have been adopted by the commission, as modified by the legislature;~~

~~3) “Economic table” means the child support table for the basic support obligation which has been adopted by the commission;~~

(4) 'Worksheets' means the forms adopted by the commission for use in determining the amount of child support;

(5) 'Instructions' means the instructions adopted by the commission for use in completing the worksheets;

(6) 'Commission' means the Washington state child support schedule commission established by RCW 26.19.030; and

(7) 'Basic child support obligation' means the amount determined from the economic table based on the parties combined monthly net income.

(2) 'Standard calculation' means the amount of child support which is owed as determined from the worksheets before any deviation is considered.

(3) 'Transfer payment' means the court ordered amount one parent is obligated to pay to the other parent for child support.

Sec. 5. Section 6, chapter 275, Laws of 1988 and RCW 26.19.050 are each amended to read as follows:

(1) The ~~((commission))~~ administrator for the courts shall develop and adopt worksheets and instructions to assist the parties and courts in establishing the appropriate child support level and apportionment of support. The ~~((commission))~~ administrator for the courts shall attempt to the greatest extent possible to make the worksheets and instructions understandable by persons who are not represented by legal counsel.

(2) The administrator for the courts ~~((in consultation with the commission;))~~ shall develop and adopt standards for the printing of worksheets and shall establish a process for certifying printed worksheets. ~~((The administrator shall not alter the design approved by the commission;))~~ The administrator may maintain a register of sources for approved worksheets.

(3) The administrator for the courts should explore methods to assist pro se parties and judges in the courtroom to calculate support payments through automated software, equipment, or personal assistance.

NEW SECTION. Sec. 6. A new section is added to chapter 26.19 RCW to read as follows:

(1) In any proceeding under this title or Title 13 or 74 RCW in which child support is at issue, support shall be determined and ordered according to this chapter. The standards and economic table for determining child support and reasons for deviation therefrom shall be applied in the same manner by the court, presiding officers, and reviewing officers. References to the court also incorporates the presiding and reviewing officers who administratively determine or enforce child support orders.

(2) An order for child support shall be supported by written findings of fact upon which the support determination is based and shall include reasons for any deviation from the standard calculation.

(3) All income and resources of each parent's household shall be disclosed and shall be considered by the court when the child support obligation of each parent is determined. Tax returns for the preceding three years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(4) Worksheets in the form developed by the administrator for the courts shall be completed under penalty of perjury and filed in every proceeding in which child support is determined. The court shall not accept incomplete worksheets or worksheets that vary from the worksheets developed by the administrator for the courts.

(5) Unless specific reasons for deviation are set forth in the written findings of fact or order and are supported by the evidence, the court shall order each parent to pay the amount of child support determined using the standard calculation.

(6) The court shall review the worksheets and the order for adequacy of the reasons set forth for any deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. The worksheet on which the order is based shall be initialed or signed by the judge and filed with the order.

NEW SECTION. Sec. 7. A new section is added to chapter 26.19 RCW to read as follows:

(1) The basic child support obligation derived from the economic table shall be allocated between the parents based on each parent's share of the combined monthly net income.

(2) Ordinary health care expenses are included in the economic table. Health care expenses that exceed five percent of the basic support obligation shall be considered extraordinary health care expenses. Extraordinary health care expenses shall be shared by the parents in the same proportion as the basic child support obligation.

(3) Day care and special child rearing expenses, such as tuition and long-distance transportation costs to and from the parents for visitation purposes, are not included in the economic table. These expenses shall be shared by the parents in the same proportion as the basic child support obligation and shall be listed as a specific dollar amount.

(4) The court may exercise its discretion to determine the necessity for and the reasonableness of all expenses in this section.

NEW SECTION. Sec. 8. (1) Except as otherwise provided in this section, monthly gross income for child support purposes shall include income from any source, including: Salaries,

wages, commissions, deferred compensation, bonuses, mandatory overtime, dividends, interest, trust income, severance pay, annuities, capital gains, pension retirement benefits, social security retirement benefits, workers' compensation, unemployment benefits, and spousal maintenance that is actually received.

(2) The court shall deduct the following from gross income: Federal and state income taxes, federal insurance contributions act deductions, mandatory pension plan payments, mandatory union or professional dues, court-ordered spousal maintenance to the extent actually paid, up to two thousand dollars per year in voluntary pension payments actually made if the contributions were made for the three consecutive years prior to the filing of the dissolution, and court-ordered payments of child support for children from other relationships to the extent actually paid. All items excluded from income shall be disclosed in the worksheet.

(3) The court may deduct normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

(4) The following resources shall be disclosed, shall not be included in gross income, and shall not be reason to deviate from the standard calculation: Aid to families with dependent children, supplemental security income, general assistance, veterans aid and attendance allowance, and food stamps.

(5) The following income shall be disclosed, shall not be included in gross income, but may be a reason to deviate from the standard calculation:

(a) Income of a new spouse or income of other adults in the household;

(b) Child support received from other relationships; and

(c) Except to the extent that income exceeds the average income from that source for two years immediately prior to the filing of a petition or modification action under chapter 26.09, 26.10, or 26.26 RCW, voluntary overtime pay above one hundred sixty-eight hours per month, income from employment in excess of forty hours per week to the extent derived from a second job, nonrecurring bonuses, contract related cash benefits, gifts, and prizes.

(6) (a) Children from relationships other than the relationship of the parties before the court shall not be counted for determining the number of children in the family for purposes of calculating the basic support obligation. The court may not consider, for purposes of deviation in calculating the amount of child support payable, any children for whom the court has allowed a deduction from gross income for court-ordered child support payments.

(b) The court may consider deviating from the presumptive basic support obligation when there are children from other relationships and the court has not allowed a deduction from gross income for payments of child support for those children pursuant to subsection (2) of this section. Deviations under this section from the presumptive basic support obligation due shall be based on consideration of the total circumstances of both households.

(7) The court shall consider the residential schedule and may deviate from the standard calculation if the child spends a significant amount of time with the parent who is obligated to make the transfer payment. The court shall not use this subsection to restrict either parent's contact or visitation with the child or children.

Absent agreement between the parents, the parent seeking the adjustment based on contact with the child shall have the burden to show by a preponderance of the evidence the requested adjustment is consistent with the parent's actual past involvement with the child. The support payment should not be reduced if the reduction will result in insufficient funds in the house receiving the support to meet the basic needs of the child or the child is receiving aid to families with dependent children payments.

(8) Additional reasons that may support a deviation from the standard calculation include: Possession of wealth, shared living arrangements, extraordinary debts that have not been voluntarily incurred, extraordinarily high income of a child, a significant disparity of the living costs of the parents due to conditions beyond their control, and special needs of disabled children. A deviation may be supported by tax planning considerations only if the child would not receive a lesser economic benefit as a result of the tax planning.

(9) The court shall enter findings which specify reasons for any deviations from the standard calculation made by the court.

(10) Agreement of the parties is not by itself adequate reason for deviation from the standard calculation.

(11) Neither parent's total child support obligation shall exceed fifty percent of net income unless good cause is shown. Good cause may include possession of substantial wealth, children with day care expenses, special medical, educational, psychological needs, and larger families.

(12) The court shall impute income to a parent when the parent is voluntarily underemployed or voluntarily unemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history. A parent shall not be deemed voluntarily underemployed as long as that parent is gainfully employed on a full-time basis. Income shall not be imputed for an unemployable parent.

NEW SECTION. Sec. 9. A new section is added to chapter 26.19 RCW to read as follows:

The child support schedule shall be advisory and not mandatory for postsecondary educational support. When considering whether to order support for postsecondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together. The child must be enrolled in school, actively pursuing a course of study, and in good academic standing as defined by the institution or the court-ordered postsecondary educational support may be automatically suspended during the period or periods the child fails to comply with these conditions. The court in its discretion may order that the payment be made directly to the parent who has been receiving the transfer payments, to the educational institution if feasible, or to the child. The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities.

NEW SECTION. Sec. 10. A new section is added to chapter 26.19 RCW to read as follows:

The parties may agree which parent is entitled to claim the child or children as dependents for federal income tax exemptions. The court may award the exemption or exemptions and order a party to sign the federal income tax dependency exemption waiver. The court may divide the exemptions between the parties, alternate the exemptions between the parties, or both.

NEW SECTION. Sec. 11. A new section is added to chapter 26.19 RCW to read as follows:

(1) When combined monthly net income is less than six hundred dollars, a support order not less than twenty-five dollars per month shall be entered for each parent, regardless of the number of children. A parent's child support obligation shall not reduce his or her net income below the need standard for one person promulgated pursuant to RCW 74.04.770, except for the mandatory minimum payment of twenty-five dollars per month as required by this subsection or in cases where the court finds reasons for deviation under section 8(8) of this act. This section shall not be construed to require monthly substantiation of income.

(2) The presumptive basic support obligation shall be determined upon the combined monthly net income of the parents up to a cap of five thousand dollars combined net income per month. The table is not presumptive but advisory only for combined monthly net incomes above five thousand dollars.

(3) When combined monthly net income exceeds five thousand dollars per month, child support shall be determined for that amount from the table. For combined monthly net incomes exceeding five thousand dollars per month, the court may order an additional amount to be paid upon written findings of fact.

(4) The provisions of this chapter shall apply to adult children who are dependent on their parents and for whom support is ordered pursuant to RCW 26.09.100.

NEW SECTION. Sec. 12. A new section is added to chapter 26.09 RCW to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, all child support decrees may be adjusted once every twenty-four months pursuant to this chapter based upon changes in the income of the parents without a showing of substantially changed circumstances. Either party may initiate the modification pursuant to procedures of RCW 26.09.175.

(2) Parents whose decrees are entered before the effective date of this act may petition the court for a modification after twelve months has expired from the entry of the decree or the most recent modification setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection (1) of this section.

(3) A party may petition for modification in cases of substantially changed circumstances, under RCW 26.09.170, at any time. However, if relief is granted under RCW 26.09.170, twenty-four months must pass before a petition for modification under subsection (1) of this section may be filed.

(4) If, pursuant to subsection (1) of this section, the court modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection (1) of this section may be filed.

(5) A parent who is receiving transfer payments who receives a wage or salary increase may not bring a modification action pursuant to subsection (1) of this section alleging that increase constitutes a substantial change of circumstances under RCW 26.09.170.

Sec. 13. Section 2407, Code of 1881 as amended by section 1, chapter 207, Laws of 1969 ex. sess. and RCW 26.16.205 are each amended to read as follows:

The expenses of the family and the education of the children, including stepchildren, are chargeable upon the property of both husband and wife, or either of them, and ~~((in relation thereto))~~ they may be sued jointly or separately. ~~((PROVIDED: That with regard to stepchildren, the obligation shall cease upon the termination of the relationship of husband and wife)).~~ When a petition for dissolution of marriage or a petition for legal separation is filed, the court may, upon motion of the stepparent, terminate the obligation to support the stepchildren. The obligation to support stepchildren shall cease upon the entry of a decree of dissolution, decree of legal separation, or death.

NEW SECTION. Sec. 14. A new section is added to chapter 26.19 RCW to read as follows:

(1) Day care, extraordinary health care, long-distance transportation costs, and special child-rearing expenses such as tuition are not included in the basic support obligation for each child. These expenses shall be shared by the parents in the same proportion as the basic child support obligation and may be listed as a specific dollar amount or as a percentage amount subject to the verification requirements pursuant to subsection (2) of this section.

(2) (a) If a sum certain is established for day care and is set forth in the decree, the parent making the transfer payment is entitled to proof of the amount paid for day care. The parent making the transfer payment is responsible for the appropriate percentage of the actual amount paid, not to exceed the proper share of the amount as set forth in the decree. The transfer payment for day care must be made in advance if the day care amount is set forth in the decree or is a regularly paid amount in a sum certain. If an amount is not specified in the decree or a regular sum certain, reimbursement of day care expenses shall be treated in the same manner as reimbursement for transportation costs, extraordinary health care, and other extraordinary expenses.

(b) For transportation costs, extraordinary health care costs, and other extraordinary expenses of the children specified in the decree, the parent paying these expenses shall be entitled to prompt reimbursement of the other parent's share of those expenses. Proof of the expenditure shall be furnished to the parent from whom reimbursement is sought. Reimbursement must be made promptly but not later than thirty days of receipt of proof of payment of these expenditures.

(3) (a) If reimbursement is not made within the thirty-day period or is incomplete due to a nonsufficient fund check or other failure to pay, the parent seeking reimbursement may by motion obtain an order compelling payment with statutory interest. If a parent requests proof of payment and it is not provided within thirty days the party may move to compel production of the documents. The court shall award actual court costs and reasonable attorneys' fees to the prevailing party in every motion filed under this section except upon a showing of good cause for nonpayment.

(b) Wage assignment orders may be obtained pursuant to chapter 26.18 RCW to collect court-ordered basic child support, day care, extraordinary health care, long-distance transportation costs, or other extraordinary expenses, attorneys' fees, court costs, or any other item ordered by the court. A parent to whom basic child support, day care, extraordinary health care, long-distance transportation costs, or other extraordinary expenses are to be paid based on a percentage share of the costs, may by motion obtain a court order reducing the amounts owed to a sum certain and then enforce collection of that amount by a wage assignment order.

Sec. 15. Section 2, chapter 164, Laws of 1971 ex. sess. as last amended by section 1, chapter 55, Laws of 1989 and by section 151, chapter 175, Laws of 1989 and RCW 74.20A.020 are each reenacted and amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter and chapter 74.20 RCW shall have the following meanings:

(1) 'Department' means the state department of social and health services.

(2) 'Secretary' means the secretary of the department of social and health services, his designee or authorized representative.

(3) 'Dependent child' means any person:

(a) Under the age of eighteen who is not self-supporting, married, or a member of the armed forces of the United States; or

(b) Over the age of eighteen for whom a court order for support exists.

(4) 'Support obligation' means the obligation to provide for the necessary care, support, and maintenance, including medical expenses, of a dependent child or other person as required by statutes and the common law of this or another state.

(5) 'Superior court order' means any judgment, decree, or order of the superior court of the state of Washington, or a court of comparable jurisdiction of another state, establishing the existence of a support obligation and ordering payment of a set or determinable amount of support moneys to satisfy the support obligation. For purposes of RCW 74.20A.055, orders for support which were entered under the uniform reciprocal enforcement of support act by a state where the responsible parent no longer resides shall not preclude the department from establishing an amount to be paid as current and future support.

(6) 'Administrative order' means any determination, finding, decree, or order for support pursuant to RCW 74.20A.055, or by an agency of another state pursuant to a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support moneys to satisfy the support obligation.

(7) 'Responsible parent' means a natural parent, adoptive parent, or stepparent of a dependent child or a person who has signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics.

(8) 'Stepparent' means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist ~~((and continue))~~ until terminated as provided for in RCW 26.16.205 ~~((until the relationship is terminated by death or dissolution of marriage))~~.

(9) 'Support moneys' means any moneys or in-kind providings paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.

(10) 'Support debt' means any delinquent amount of support moneys which is due, owing, and unpaid under a superior court order or an administrative order, a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including medical expenses, of a dependent child or other person for whom a support obligation is owed; or a debt under RCW 74.20A.100 or 74.20A.270. Support debt also includes any accrued interest, fees, or penalties charged on a support debt, and attorneys fees and other costs of litigation awarded in an action to establish and enforce a support obligation or debt.

(11) 'State' means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the commonwealth of Puerto Rico.

Sec. 16. Section 24, chapter 460, Laws of 1987 as amended by section 18, chapter 375, Laws of 1989 and RCW 26.09.909 are each amended to read as follows:

(1) Decrees under this chapter involving child custody, visitation, or child support entered in actions commenced prior to January 1, 1988, shall be deemed to be parenting plans for purposes of this chapter.

(2) The enactment of the 1987 revisions to this chapter does not constitute substantially changed circumstances for the purposes of modifying decrees entered under this chapter in actions commenced prior to January 1, 1988, involving child custody, visitation, or child support. ~~((An))~~ Any action to modify any decree involving child custody, visitation, child support, or a parenting plan ~~((which was commenced after December 31, 1987))~~ shall be governed by the ~~((1987 revisions to))~~ provisions of this chapter.

(3) Actions brought for clarification or interpretation of decrees entered under this chapter in actions commenced prior to January 1, 1988, shall be determined under the law in effect immediately prior to January 1, 1988.

NEW SECTION. Sec. 17. A new section is added to chapter 26.18 RCW to read as follows:

(1) When the department of labor and industries or a self-insurer pays compensation under chapter 51.32 RCW on behalf of or on account of the child or children of the injured worker for whom the injured worker owes a duty of child support, the amount of compensation the department or self-insurer pays on behalf of the child or children shall be treated for all purposes as if the injured worker paid the compensation toward satisfaction of the injured worker's child support obligations.

(2) When the social security administration pays social security disability dependency benefits on behalf of or on account of the child or children of the disabled person, the amount of compensation paid for the children shall be treated for all purposes as if the disabled person paid the compensation toward satisfaction of the disabled person's child support obligation.

(3) Under no circumstances shall the person who has the obligation to make the transfer payment have a right to reimbursement of any compensation paid under subsection (1) or (2) of this section.

Sec. 18. Section 17, chapter 460, Laws of 1987 and RCW 26.09.225 are each amended to read as follows:

Each parent shall have full and equal access to the education and ~~((medical))~~ health care records of the child absent a court order to the contrary.

Sec. 19. Section 3, chapter 275, Laws of 1988 as amended by section 76, chapter 175, Laws of 1989 and RCW 26.19.020 are each amended to read as follows:

~~((1))~~(a) ~~Except as provided in (b) of this subsection, in any proceeding under this title or Title 13 or 74 RCW in which child support is at issue, support shall be determined and ordered according to the child support schedule adopted pursuant to RCW 26.19.040:~~

~~((b))~~ If approved by a majority vote of the superior court judges of a county, the superior court may adopt by local court rule an economic table that shall be used by the superior court of that county, instead of the economic table adopted by the commission, to determine the appropriate amount of child support. The economic table adopted by the superior court shall not vary by more than twenty-five percent from the economic table adopted by the commission and shall not vary the economic table for combined monthly net income of two thousand five hundred dollars or less.

~~((2) An order for child support shall be supported by written findings of fact upon which the support determination is based.~~

~~(3) All income and resources of each parent's household shall be disclosed and shall be considered by the court or the presiding or reviewing officer when the child support obligation of each parent is determined.~~

~~(4) Worksheets in the form approved by the commission shall be completed and filed in every proceeding in which child support is determined. Variations of the worksheets shall not be accepted.~~

~~(5) Unless specific reasons for deviation are set forth in the written findings of fact or order and are supported by the evidence, the court or the presiding or reviewing officer shall order each parent to pay the amount of child support determined using the standard calculation.~~

~~(6) The court or the presiding or reviewing officer shall review the worksheets and the order for adequacy of the reasons set forth for any deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. Reasons that may support a deviation from the standard calculation include: Possession of wealth, shared living arrangements, extraordinary debts that have not been voluntarily incurred, extraordinarily high income of a child, a significant disparity of the living costs of the parents due to conditions beyond their control, and special needs of disabled children. A deviation may be supported by tax planning considerations only if the child would not receive a lesser economic benefit. Agreement of the parties, by itself, is not adequate reason for deviation.))~~

Sec. 20. Section 2, chapter 440, Laws of 1987 as amended by section 5, chapter 275, Laws of 1988 and RCW 26.19.040 are each amended to read as follows:

~~((1)) The schedule proposed by the commission in its report dated January 26, 1988, shall take effect July 1, 1988. The schedule shall remain in effect until revised ((under this section. The commission shall review the schedule and propose changes as needed each even-numbered year.~~

~~(2) The commission shall review the schedule and recommended revisions based upon:~~

~~(a) Updated economic data which accurately reflects family spending and child rearing costs for families of different sizes and income levels in the state of Washington;~~

~~(b) Appropriate adjustments for significant changes in child rearing costs at different age levels;~~

~~(c) The need for funding of the child's primary residence by a payment which is sufficient to meet the basic needs of the child;~~

~~(d) Provisions for health care coverage and, when needed, child care payments; and~~

~~(e) The support amount shall be based on the child's age, the parent's combined income, and the family size. Family size shall mean all children for whom support is to be established.~~

~~(3) The commission shall establish standards for applying the child support schedule. Included in these standards shall be:~~

~~(a) The type, net or gross, and sources of income on which support amounts shall be based;~~

~~(b) Provisions for taking into account the voluntary unemployment or underemployment of one or both parents or if the income of a parent is not known; and~~

~~(c) Provisions for taking into account a parent whose income varies.~~

~~(4) Any proposed revisions to the schedule shall be submitted to the legislature no later than November 1st of each even-numbered year.~~

~~(5) If the commission fails to propose revisions to the schedule, the existing schedule shall remain in effect, unless the legislature refers the schedule to the commission for modification or adopts a different schedule. If the schedule is referred to the commission for modification, the provisions of subsection (7) of this section shall be applicable.~~

~~(6) The legislature may adopt the proposed schedule or refer the proposed schedule to the commission for modification. If the legislature fails to adopt or refer the proposed schedule to the commission by March 1 of the following year, the proposed schedule shall take effect without legislative approval on July 1 of that year.~~

~~(7) If the legislature refers the proposed schedule to the commission for modification on or before March 1st, the commission shall resubmit the proposed modifications to the legislature no later than March 15th. The legislature may adopt or modify the resubmitted proposed schedule. If the legislature fails to adopt or modify the resubmitted proposed schedule by April 1, the resubmitted proposed schedule shall take effect without legislative approval on July 1 of that year.))~~

Sec. 21. Section 25, chapter 183, Laws of 1973 1st ex. sess. as last amended by section 152, chapter 175, Laws of 1989 and RCW 74.20A.055 are each amended to read as follows:

(1) The secretary may, in the absence of a superior court order, serve on the responsible parent or parents a notice and finding of financial responsibility requiring a responsible parent or parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be

made in the future for such period of time as the child or children of said responsible parent or parents are in need. The hearing shall be held pursuant to RCW 74.20A.055, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. Any responsible parent who objects to all or any part of the notice and finding shall have the right for not more than twenty days from the date of service to file an application for an adjudicative proceeding. The application shall be served upon the department by registered or certified mail or personally. If no such application is made, the notice and finding of responsibility shall become final, and the debt created therein shall be subject to collection action as authorized under this chapter. If a timely application is made, the execution of notice and finding of responsibility shall be stayed pending the entry of the final administrative order. If no timely written application has previously been made, the responsible parent may petition the secretary or the secretary's designee at any time for an adjudicative proceeding as provided for in this section upon a showing of good cause for the failure to make a timely application. The filing of the petition for an adjudicative proceeding after the twenty-day period shall not affect any collection action previously taken under this chapter. The granting of an application after the twenty-day period operates as a stay on any future collection action, pending entry of the final administrative order. Moneys withheld as a result of collection action in effect at the time of the granting of the application after the twenty-day period shall be delivered to the department and shall be held in trust by the department pending entry of the final administrative order. The department may petition the presiding or reviewing officer to set temporary current and future support to be paid beginning with the month in which the application after the twenty-day period is granted. The presiding or reviewing officer shall order payment of temporary current and future support if appropriate in an amount determined pursuant to the child support schedule adopted under RCW 26.19.040. In the event the responsible parent does not make payment of the temporary current and future support as ordered by the presiding or reviewing officer, the department may take collection action pursuant to chapter 74.20A RCW during the pendency of the adjudicative proceeding or thereafter to collect any amounts owing under the order. Temporary current and future support paid, or collected, during the pendency of the adjudicative proceeding shall be disbursed to the custodial parent or as otherwise appropriate when received by the department. If the final administrative order is that the department has collected from the responsible parent other than temporary current or future support, an amount greater than such parent's past support debt, the department shall promptly refund any such excess amount to such parent.

(3) Hearings may be held in the county of residence or other place convenient to the responsible parent. The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future for such period of time as the child or children of the responsible parent are in need, all computable on the basis of the need alleged. The notice and finding shall also include a statement of the name of the recipient or custodian and the name of the child or children for whom need is alleged; and/or a statement of the amount of periodic future support payments as to which financial responsibility is alleged.

(4) The notice and finding shall include a statement that the responsible parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why said responsible parent should not be determined to be liable for any or all of the debt, past and future.

The notice and finding shall include a statement that, if the responsible parent fails in timely fashion to file an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt shall be subject to collection action; a statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule adopted under RCW

26.19.040 in making these determinations, the presiding or reviewing officer shall comply with ((RCW 26.19.020 (4), (5), and (6))) the restrictions set forth in chapter 26.19 RCW.

If the responsible parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an initial decision and order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action.

(6) The final order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order: PROVIDED, That in the absence of a superior court order, either the responsible parent or the department may petition the secretary or his designee for issuance of an order to appear and show cause based on a showing of good cause and material change of circumstances, to require the other party to appear and show cause why the order previously entered should not be prospectively modified. Said order to appear and show cause together with a copy of the petition and affidavit upon which the order is based shall be served in the manner of a summons in a civil action or by certified mail, return receipt requested, on the other party by the petitioning party. Prospective modification may be ordered, but only upon a showing of good cause and material change of circumstances.

(7) The presiding or reviewing officer shall order support payments under the child support schedule adopted under RCW 26.19.040.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) 'Need' as used in this section shall mean the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children. The amount determined by reference to the child support schedule adopted under RCW 26.19.040, shall be a rebuttable presumption of the alleged responsible parent's ability to pay and the need of the family: PROVIDED, That such responsible parent shall be presumed to have no ability to pay child support under this chapter from any income received from aid to families with dependent children, supplemental security income, or continuing general assistance.

NEW SECTION, Sec. 22. (1) The administrator for the courts shall develop a child support order summary report form to provide for the reporting of summary information in every case in which a child support order is entered or modified either judicially or administratively. The administrator for the courts shall attempt to the greatest extent possible to make the form simple and understandable by the parties. The form shall indicate the following:

- (a) The county in which the order was entered;
- (b) Whether it was a judicial or administrative order;
- (c) Whether the order is an original order or from a modification;
- (d) The number of children of the parties and the children's ages;
- (e) The combined monthly net income of parties;
- (f) The monthly net income of the father as determined by the court;
- (g) The monthly net income of the mother as determined by the court;
- (h) The basic child support obligation for each child as determined from the economic table;
- (i) Whether or not the court deviated from the child support for each child;
- (j) The reason or reasons stated by the court for the deviation;
- (k) The amount of child support after the deviation;
- (l) Any amount awarded for day care;
- (m) Any other extraordinary amounts in the order;
- (n) Any amount ordered for postsecondary education;
- (o) The total amount of support ordered;
- (p) In the case of a modification, the amount of support in the previous order;
- (q) If the change in support was in excess of thirty percent, whether the change was phased in;
- (r) The amount of the transfer payment ordered;
- (s) Which parent was ordered to make the transfer payment; and
- (t) The date of the entry of the order.

(2) The administrator for the courts shall make the form available to the parties.

NEW SECTION, Sec. 23. A new section is added to chapter 26.09 RCW to read as follows:
The party seeking the establishment or modification of a child support order shall file with the clerk of the court the child support order summary report. The summary report shall be on the form developed by the administrator for the courts pursuant to section 22 of this act. The party must complete the form and file the form with the court order. The clerk of the court must forward the form to the administrator for the courts on at least a monthly basis.

NEW SECTION, Sec. 24. A new section is added to chapter 26.10 RCW to read as follows:
The party seeking the establishment or modification of a child support order shall file with the clerk of the court the child support order summary report. The summary report shall be on

the form developed by the administrator for the courts pursuant to section 22 of this act. The party must complete the form and file the form with the court order. The clerk of the court must forward the form to the administrator for the courts on at least a monthly basis.

NEW SECTION. Sec. 25. The administrator for the courts shall develop not later than July 1, 1991, standard court forms for mandatory use by litigants in all actions commenced under chapters 26.09, 26.10, and 26.26 RCW effective January 1, 1992.

NEW SECTION. Sec. 26. A new section is added to chapter 26.09 RCW to read as follows: Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION. Sec. 27. A new section is added to chapter 26.10 RCW to read as follows: Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION. Sec. 28. A new section is added to chapter 26.26 RCW to read as follows: Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION. Sec. 29. The following acts or parts of acts are each repealed:
(1) Section 1, chapter 440, Laws of 1987, section 4, chapter 275, Laws of 1988, section 41, chapter 360, Laws of 1989 and RCW 26.19.030; and

(2) Section 7, chapter 275, Laws of 1988 and RCW 26.19.060.

NEW SECTION. Sec. 30. (1) Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) The remainder of this act shall take effect July 1, 1990.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "support;" strike the remainder of the title and insert "amending RCW 26.09.100, 26.09.170, 26.09.175, 26.19.010, 26.19.050, 26.16.205, 26.09.909, 26.09.225, 26.19.020, 26.19.040, and 74.20A.055; reenacting and amending RCW 74.20A.020; adding new sections to chapter 26.19 RCW; adding a new section to chapter 26.18 RCW; adding new sections to chapter 26.09 RCW; adding new sections to chapter 26.10 RCW; adding a new section to chapter 26.26 RCW; creating new sections; repealing RCW 26.19.030 and 26.19.060; providing an effective date; and declaring an emergency."

Signed by Senators Nelson, Hayner; Representatives Appelwick, Padden.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed House Bill No. 2888 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6626, and has granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 6626, requiring an assessment of higher education needs of placebound students, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 6626, 59th Day, March 7, 1990, Morning Session.)

Signed by Senators Saling, Bauer, von Reichbauer; Representatives Jacobsen, Heavey, Van Luven.

MOTION

Mr. Jacobsen moved that the House adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 6626.

Mr. Jacobsen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6626 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6626 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King R, Kirby, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Vaile, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Fisher G, Locke - 2.

Excused: Representatives Day, King P, Todd - 3.

Substitute Senate Bill No. 6626 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

Representative Todd appeared at the bar of the House.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5340, and has granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 5340, regulating disbursements by escrow agents, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 5340, 59th Day, March 7, 1990, Morning Session.)

Signed by Senators von Reichbauer, Warnke, Johnson; Representatives Dellwo, Zellinsky, Schmidt.

MOTION

Mr. Dellwo moved that the House adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 5340.

Mr. Dellwo spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5340 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5340 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R. Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R. Kirby, Kremen, Leonard, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D. Sommers H. Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K. Wilson S. Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Fisher G. Locke - 2.

Excused: Representatives Day, King P - 2.

Substitute Senate Bill No. 5340 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

MOTION

On motion of Ms. Miller, Representative S. Wilson was excused.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6663, and has granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 6663, authorizing special license plates and emblems, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 6663, 59th Day, March 7, 1990, Morning Session.)

Signed by Senators Patterson, Rasmussen, Thorsness; Representatives R. Fisher, R. Meyers, Schmidt.

MOTION

Ms. R. Fisher moved that the House adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 6663.

Ms. R. Fisher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6663 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6663 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 84; nays, 8; absent, 2; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Braddock, Brekke, Brooks, Brough, Cantwell, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King R. Kirby, Kremen, Leonard, May, Meyers R. Miller, Morris, Moyer, Myers H. Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon,

Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Bowman, Brumsickle, Cole, Fisher R, McLean, Nealey, Schmidt, Wang - 8.

Absent: Representatives Fisher G, Locke - 2.

Excused: Representatives Day, King P, Wilson S - 3.

Substitute Senate Bill No. 6663 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

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

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 2122, and passed the bill as recommended by the Conference Committee. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred SECOND SUBSTITUTE HOUSE BILL NO. 2122, making changes regarding dependency proceedings, have had the same under consideration and we recommend the following:

The following language on page 19, beginning on line 25 of the Senate Committee on Ways & Means amendments be deleted:

NEW SECTION. Sec. 12. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1990, in the omnibus appropriations act, this act shall be null and void."

And, the remainder of the Senate Committee on Ways & Means amendments, without New Section 12, be adopted (For committee amendments, see Journal, 57th Day, March 5, 1990.)

And, the bill do pass as recommended by the Conference Committee.

Signed by Senators Nelson, Niemi, Craswell; Representatives Appelwick, Hargrove, Silver.

MOTION

Mr. Hargrove moved that the House adopt the Report of the Conference Committee on Second Substitute House Bill No. 2122.

Mr. Hargrove spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2122 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2122 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raifer, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker

Absent: Representatives Fisher G, Locke - 2.
Excused: Representatives Day, Wilson S - 2.

Second Substitute House Bill No. 2122 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

Representative G. Fisher appeared at the bar of the House.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6537, and has granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6537, providing for foster care reform and making appropriations, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Second Substitute Senate Bill No. 6537, 59th Day, March 7, 1990, Afternoon Session.)

Signed by Senators Smith, Niemi, Bailey; Representatives Sayan, Anderson, Silver.

MOTION

Mr. Sayan moved that the House adopt the Report of the Free Conference Committee on Engrossed Second Substitute Senate Bill No. 6537. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 6537 as amended by Free Conference Committee.

Representatives Sayan and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6537 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Berozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Locke - 1.
Excused: Representatives Day, Wilson S - 2.

Engrossed Second Substitute Senate Bill No. 6537 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2413, and passed the bill as recommended by the Conference Committee. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED HOUSE BILL NO. 2413, including middle and junior high school students in the mathematics, engineering, and science achievement program, have had the same under consideration and we recommend the following:

That the Senate Committee on Ways & Means amendments, adopted on February 28, 1990, be adopted. (For committee amendments, see Journal, 57th Day, March 5, 1990.)

And, the bill do pass as recommended by the Conference Committee.

Signed by Senators Bailey, Stratton, Saling; Representatives Jacobsen, Peery, Wood.

MOTION

Mr. Jacobsen moved that the House adopt the Report of the Conference Committee on Engrossed House Bill No. 2413.

Mr. Jacobsen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2413 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2413 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Locke - 1.

Excused: Representatives Day, Wilson S - 2.

Engrossed House Bill No. 2413 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

Representative Locke appeared at the bar of the House.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced the Speaker had signed:

HOUSE BILL NO. 1323,

SUBSTITUTE HOUSE BILL NO. 1597,

HOUSE BILL NO. 1724,

SUBSTITUTE HOUSE BILL NO. 1824.
SUBSTITUTE HOUSE BILL NO. 1825.
SECOND SUBSTITUTE HOUSE BILL NO. 2077.
HOUSE BILL NO. 2253.
HOUSE BILL NO. 2272.
HOUSE BILL NO. 2288.
HOUSE BILL NO. 2290.
HOUSE BILL NO. 2291.
SUBSTITUTE HOUSE BILL NO. 2296.
HOUSE BILL NO. 2312.
SUBSTITUTE HOUSE BILL NO. 2327.
SUBSTITUTE HOUSE BILL NO. 2336.
SUBSTITUTE HOUSE BILL NO. 2342.
HOUSE BILL NO. 2362.
HOUSE BILL NO. 2373.
SUBSTITUTE HOUSE BILL NO. 2385.
SUBSTITUTE HOUSE BILL NO. 2390.
HOUSE BILL NO. 2411.
HOUSE BILL NO. 2429.
SUBSTITUTE HOUSE BILL NO. 2463.
HOUSE BILL NO. 2475.
HOUSE BILL NO. 2485.
SECOND SUBSTITUTE HOUSE BILL NO. 2494.
HOUSE BILL NO. 2503.
HOUSE BILL NO. 2525.
HOUSE BILL NO. 2526.
HOUSE BILL NO. 2542.
HOUSE BILL NO. 2546.
HOUSE BILL NO. 2567.
SUBSTITUTE HOUSE BILL NO. 2576.
SUBSTITUTE HOUSE BILL NO. 2584.
SUBSTITUTE HOUSE BILL NO. 2609.
SUBSTITUTE HOUSE BILL NO. 2644.
HOUSE BILL NO. 2655.
SUBSTITUTE HOUSE BILL NO. 2706.
SUBSTITUTE HOUSE BILL NO. 2709.
HOUSE BILL NO. 2714.
HOUSE BILL NO. 2716.
SUBSTITUTE HOUSE BILL NO. 2792.
SUBSTITUTE HOUSE BILL NO. 2801.
HOUSE BILL NO. 2802.
SUBSTITUTE HOUSE BILL NO. 2809.
SUBSTITUTE HOUSE BILL NO. 2831.
HOUSE BILL NO. 2832.
HOUSE BILL NO. 2840.
SUBSTITUTE HOUSE BILL NO. 2854.
SUBSTITUTE HOUSE BILL NO. 2858.
SUBSTITUTE HOUSE BILL NO. 2861.
HOUSE BILL NO. 2868.
HOUSE BILL NO. 2882.
HOUSE BILL NO. 2901.
SUBSTITUTE HOUSE BILL NO. 2906.
SUBSTITUTE HOUSE BILL NO. 2907.
HOUSE BILL NO. 2911.
SUBSTITUTE HOUSE BILL NO. 2917.
SUBSTITUTE HOUSE BILL NO. 2935.
HOUSE BILL NO. 2988.
SUBSTITUTE HOUSE BILL NO. 2999.
SUBSTITUTE HOUSE BILL NO. 3001.
SUBSTITUTE HOUSE BILL NO. 3002.
SUBSTITUTE HOUSE BILL NO. 3007.

HOUSE JOINT MEMORIAL NO. 4030,
 HOUSE CONCURRENT RESOLUTION NO. 4438,
 SUBSTITUTE SENATE BILL NO. 6031,
 SENATE BILL NO. 6164,
 SUBSTITUTE SENATE BILL NO. 6499,
 SUBSTITUTE SENATE BILL NO. 6764,
 SUBSTITUTE SENATE BILL NO. 6771,
 SECOND SUBSTITUTE SENATE BILL NO. 6780,
 SUBSTITUTE SENATE BILL NO. 6868,
 SUBSTITUTE SENATE BILL NO. 6880,
 SENATE JOINT MEMORIAL NO. 8017,
 SENATE JOINT MEMORIAL NO. 8023.

MESSAGE FROM THE SENATE

March 5, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 6559 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Metcalf, Kreidler and Bluechel, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. K. Wilson moved that the House refuse to recede from its amendments to Senate Bill No. 6559, insist on its position and ask the Senate to concur therein. The motion was carried.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 90-4779, by Representatives Haugen and S. Wilson

WHEREAS, The health of our citizens is crucial to maintaining the vitality of our state; and

WHEREAS, The citizens of Whidbey Island labored for more than a decade to establish a public hospital; and

WHEREAS, Whidbey General Hospital has returned that investment in time and energy by making high quality health care available to all people residing on Whidbey Island; and

WHEREAS, The hospital is about to celebrate its twentieth anniversary on Saturday, March 10, 1990; and

WHEREAS, Governor Booth Gardner has recognized the hospital's contribution to the island and to the state by proclaiming March 10, 1990, Whidbey General Hospital Day;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives join with Governor Booth Gardner in recognizing the contribution Whidbey General Hospital has made to the residents of Whidbey Island and to the state by commemorating Whidbey General Hospital in its twentieth year; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the administration of Whidbey General Hospital, Coupeville, Washington, in time for the celebration to be held there at 4:00 p.m. on Saturday, March 10, 1990.

Ms. Haugen moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 90-4779 was adopted.

HOUSE FLOOR RESOLUTION NO. 90-4777, by Representatives Nealey and Prince

WHEREAS, Team sports teach the value of cooperation and the role of leadership in striving for a common goal; and

WHEREAS, Garfield-Palouse High School Boys' Basketball Team demonstrated those principles when it romped to a rousing victory to become the State Class B Tournament champions; and

WHEREAS, The team has compiled an enviable twenty-seven and zero record for the 1989-1990 season; and

WHEREAS, Tim Coles has guided the Vikings to the state playoffs five out of the seven years he has been the coach; and

WHEREAS, Winning the 1990 Class B Championship crowns their playoff record of one third place and two seventh places; and

WHEREAS, The Garfield-Palouse student body and faculty have provided whole-hearted and ardent support of the team, as has the whole community; and

WHEREAS, The Vikings have earned this outstanding record with thirteen exceptional team members: Phillip Brantner, Joel Hilty-Jones, Adam Kramer, Andy O'Neill, Greg Partch, Spook Victor, Todd Leinweber, Jake Anderson, Craig Brantner, Ed Griener, Jason Hanson, Brian Kriebel, Ben Perkins and their Manager, Eric Peterson;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize and congratulate the Garfield-Palouse Vikings Boys' Basketball Team members for their dedication and superior team play culminating in the reward of a statewide victory; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Garfield-Palouse Vikings Boys' Basketball Team, the Coach and the High School Principal.

Mr. Nealey moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 90-4777 was adopted.

HOUSE FLOOR RESOLUTION NO. 90-4778, by Representatives Spanel, Haugen, Youngsman and S. Wilson

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 seventh annual event will run from April 6 through 22, with the Festival focusing on Sedro-Woolley, Burlington, Anacortes, LaConner and Mount Vernon; and

WHEREAS, Nearly half a million people visited the Festival last year, bringing pleasure and excitement to these visitors and a strong economic impact to Skagit Valley; and

WHEREAS, Visitors are overwhelmed by more than one thousand five hundred acres of tulips reflecting all the colors of the rainbow; and

WHEREAS, The Taste of Skagit Food Fair, the Blue Grass Music Festival, the Paccar Open House and the Twelfth Annual Slug Run highlight the event;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives salute the five communities of Skagit County and the Chambers of Commerce for their seventh 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 all the Skagit Valley Tulip Festival has to offer; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives issue this Resolution in recognition of the Skagit Valley Tulip Festival, April 6 through 22, 1990.

Ms. Spanel moved adoption of the resolution.

Representatives Spanel and Youngsman spoke in favor of the resolution.

House Floor Resolution No. 90-4778 was adopted.

HOUSE FLOOR RESOLUTION NO. 90-4768, by Representatives Rayburn and Baugher

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, High school athletic programs have helped young people make significant contributions to their own lives, their schools and their communities across the State of Washington; and

WHEREAS, Once again, the Grandview High School Boys' Basketball Team has shown great character and athletic ability in winning the 1990 Washington State A Boys' Basketball Championship; and

WHEREAS, For the second year in a row, the Greyhounds are the State A Basketball Champions and they have won forty-eight successive games over the past two years; and

WHEREAS, The Greyhounds set several tournament records in the 1989 and 1990 state playoff games; and

WHEREAS, Grandview's talented Joey Warmenhoven was selected to the All-tournament Team for his consistently outstanding performances; and

WHEREAS, The Grandview community experiences many hours of pleasure and excitement attending Greyhound basketball games and looks forward to many more; and

WHEREAS, Grandview is only the fourth A school to win back-to-back championships;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and recognize the exceptional individual athletic abilities, teamwork, coaching and spirit of the Grandview Greyhounds; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives send copies of this Resolution to Coach Mike Schuette and to the Principal of Grandview High School, Mr. Gary Sansom.

Ms. Rayburn moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 90-4768 was adopted.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 6411, and has granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 7, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SENATE BILL NO. 6411, establishing an employment training program, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Senate Bill No. 6411, 59th Day, March 7, 1990, Afternoon Session.)

Signed by Senators Lee, Saling, Smitherman; Representatives Cantwell, Rector, Doty.

MOTION

Mr. Wineberry moved that the House adopt the Report of the Free Conference Committee on Engrossed Senate Bill No. 6411.

Ms. Rector spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 6411 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6411 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 95; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doly, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wineberry, Winsley, Wolte, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Day, Wilson S - 2.

Engrossed Senate Bill No. 6411 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 6418, and has granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 6418, expanding rural health care opportunities, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Second Substitute Senate Bill No. 6418, 59th Day, March 7, 1990, Afternoon Session.)

Signed by Senators West, Kreidler, Barr; Representatives Braddock, Kirby, Brooks.

MOTION

Mr. Jesernig moved that the House adopt the Report of the Free Conference Committee on Second Substitute Senate Bill No. 6418. The motion was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 6418 as amended by Free Conference Committee.

Mr. Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6418 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 95; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell,

Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Day, Wilson S - 2.

Second Substitute Senate Bill No. 6418 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

REPORT OF CONFERENCE COMMITTEE

March 8, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5450, providing for education in Pacific Rim languages, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

All previous amendments be rejected, and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that it is important to the economic future of Washington state to promote international awareness and understanding. The legislature intends to complement the provisions of chapter 28A.125 RCW by encouraging high school students to study Pacific Rim languages, promote teacher exchanges with Pacific Rim nations, and allow nonimmigrant aliens to serve as exchange teachers for more than one year.

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

(1) 'Washington state Pacific Rim language scholarship' means a scholarship awarded, for a period not to exceed one year, to a student proficient in speaking one of the following languages: Spanish, Russian, Chinese, and Japanese.

(2) 'Institution of higher education' or 'institution' means a college or university in the state of Washington that 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) 'Student' means a high school senior who is a proficient speaker of a Pacific Rim language, and who intends to enroll in an institution of higher education within one year of high school graduation.

NEW SECTION. Sec. 3. The Washington state Pacific Rim language scholarship program is created. 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 the scholarships with the assistance of a screening committee composed of leaders in government, business, and education;

(2) Adopt necessary rules and guidelines;

(3) Publicize the program; and

(4) Solicit and accept grants and donations from public and private sources for the program.

NEW SECTION. Sec. 4. The board shall select up to four students yearly from each congressional district to receive a Washington state Pacific Rim scholarship from funds appropriated for this purpose. Of the four students selected, one student shall be a proficient speaker of Spanish, one of Russian, one of Japanese, and one of Chinese. Using measures as objective as possible, the board shall select students who have shown the most improvement in their ability to speak the language during their high school careers.

NEW SECTION. Sec. 5. Scholarships shall not exceed one thousand dollars per student. The scholarship shall not be disbursed to the student until the student is enrolled at an institution of higher education. The board may also use private donations or any other funds given to the board for this program to make additional scholarship awards.

NEW SECTION. Sec. 6. By October 30, 1995, the board shall report on the program to the governor and the house of representatives and senate committees on higher education. The report shall include a recommendation on whether to expand the number of languages included, and whether to expand the program to students in each legislative district.

Sec. 7, Section 28A.67.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 379, Laws of 1985 and RCW 28A.67.020 are each amended to read as follows:

No person, who is not a citizen of the United States of America, shall be permitted to teach in the common schools in this state: PROVIDED, That the superintendent of public instruction

may grant to an alien a permit to teach in the common schools of this state if such teacher has all the other qualifications required by law, and has declared his or her intention of becoming a citizen of the United States of America: PROVIDED FURTHER, That after a one year probationary period the superintendent of public instruction, at the request of the school district which employed such teacher on a permit, may grant to an alien whose qualifications have been approved by the state board of education a standard certificate to teach in the common schools of this state: PROVIDED FURTHER, That the superintendent of public instruction may grant to a nonimmigrant alien whose qualifications have been approved by the state board of education a temporary permit to teach foreign language for a period to be defined by the superintendent of public instruction or a one-year temporary permit which is renewable (~~only once for no more than one year~~) to teach as an exchange teacher in the common schools of this state.

~~((Before such alien shall be granted a temporary permit he or she shall be required to subscribe to an oath or affirmation in writing as follows: I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington; that I do not advocate the overthrow, destruction, or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them. All oaths or affirmations subscribed as herein provided shall be filed in the office of the superintendent of public instruction and shall be there retained for a period of five years.))~~ Such permits shall at all times be subject to revocation by the superintendent of public instruction.

NEW SECTION, Sec. 8. Sections 2 through 6 of this act shall expire June 30, 1996, and no scholarships shall be granted after June 30, 1996.

NEW SECTION, Sec. 9. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction shall encourage school districts to establish exchange programs for teachers with schools in Pacific Rim nations.

NEW SECTION, Sec. 10. Sections 2 through 6 of this act shall constitute a new chapter in Title 28B RCW."

On page 1, line 1 of the title, after "languages;" strike the remainder of the title and insert "amending RCW 28A.67.020; adding a new section to Title 28A RCW; adding a new chapter to Title 28B RCW; creating a new section; and providing an expiration date."

Signed by Senators Bailey, Talmadge, Lee; Representatives Jacobsen, Spanel, Van Luven.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5450 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on HOUSE BILL NO. 1307, and passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred HOUSE BILL NO. 1307, revising assessment levels for equalizing personal property, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on House Bill No. 1307, 59th Day, March 7, 1990, Afternoon Session.)

Signed by Senators Craswell, Niemi, Bailey; Representatives Wang, Phillips, Holland.

MOTION

Mr. Phillips moved that the House adopt the Report of the Free Conference Committee on House Bill No. 1307. The motion was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 1307 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1307 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 95; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Day, Wilson S - 2.

House Bill No. 1307 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 2378, and passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE HOUSE BILL NO. 2378, changing the authority of educational service district boards with regard to the purchase and sale of property used for the operation of the educational service district, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 2378, 59th Day, March 7, 1990, Afternoon Session.)

Signed by Senators Bailey, Lee; Representatives H. Sommers, Peery, Schoon.

MOTION

Ms. Leonard moved that the House adopt the Report of the Free Conference Committee on Substitute House Bill No. 2378. The motion was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 2378 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2378 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 95; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser,

Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmid, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Day, Wilson S - 2.

Substitute House Bill No. 2378 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 3:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 3:30 p.m.

Representatives Day and S. Wilson appeared at the bar of the House.

MESSAGES FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SENATE BILL NO. 6408, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 6411, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 6418, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6537, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 6626, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 6663, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate concurred in the House amendments to SENATE BILL NO. 6253, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate concurred in the House amendments to SENATE BILL NO. 6559, and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1323,
 SUBSTITUTE HOUSE BILL NO. 1597,
 HOUSE BILL NO. 1724,
 SUBSTITUTE HOUSE BILL NO. 1824,
 SUBSTITUTE HOUSE BILL NO. 1825,
 SECOND SUBSTITUTE HOUSE BILL NO. 2077,
 HOUSE BILL NO. 2253,
 HOUSE BILL NO. 2272,
 HOUSE BILL NO. 2288,
 HOUSE BILL NO. 2290,
 HOUSE BILL NO. 2291,
 SUBSTITUTE HOUSE BILL NO. 2296,
 HOUSE BILL NO. 2312,
 SUBSTITUTE HOUSE BILL NO. 2327,
 SUBSTITUTE HOUSE BILL NO. 2336,
 SUBSTITUTE HOUSE BILL NO. 2342,
 HOUSE BILL NO. 2362,
 HOUSE BILL NO. 2373,
 SUBSTITUTE HOUSE BILL NO. 2385,
 SUBSTITUTE HOUSE BILL NO. 2390,
 HOUSE BILL NO. 2411,
 HOUSE BILL NO. 2429,
 SUBSTITUTE HOUSE BILL NO. 2463,
 HOUSE BILL NO. 2475,
 HOUSE BILL NO. 2485,
 SECOND SUBSTITUTE HOUSE BILL NO. 2494,
 HOUSE BILL NO. 2503,
 HOUSE BILL NO. 2525,
 HOUSE BILL NO. 2526,
 HOUSE BILL NO. 2542,
 HOUSE BILL NO. 2546,
 HOUSE BILL NO. 2567,
 SUBSTITUTE HOUSE BILL NO. 2576,
 SUBSTITUTE HOUSE BILL NO. 2584,
 SUBSTITUTE HOUSE BILL NO. 2609,
 SUBSTITUTE HOUSE BILL NO. 2644,
 HOUSE BILL NO. 2655,
 SUBSTITUTE HOUSE BILL NO. 2706,
 SUBSTITUTE HOUSE BILL NO. 2709,
 HOUSE BILL NO. 2714,
 HOUSE BILL NO. 2716,
 SUBSTITUTE HOUSE BILL NO. 2792,
 SUBSTITUTE HOUSE BILL NO. 2801,
 HOUSE BILL NO. 2802,
 SUBSTITUTE HOUSE BILL NO. 2809,
 SUBSTITUTE HOUSE BILL NO. 2831,
 HOUSE BILL NO. 2832.

HOUSE BILL NO. 2840.
 SUBSTITUTE HOUSE BILL NO. 2854,
 SUBSTITUTE HOUSE BILL NO. 2858,
 SUBSTITUTE HOUSE BILL NO. 2861,
 HOUSE BILL NO. 2868,
 HOUSE BILL NO. 2882,
 HOUSE BILL NO. 2901.
 SUBSTITUTE HOUSE BILL NO. 2906,
 SUBSTITUTE HOUSE BILL NO. 2907,
 HOUSE BILL NO. 2911,
 SUBSTITUTE HOUSE BILL NO. 2917,
 SUBSTITUTE HOUSE BILL NO. 2935,
 HOUSE BILL NO. 2988,
 SUBSTITUTE HOUSE BILL NO. 2999,
 SUBSTITUTE HOUSE BILL NO. 3001,
 SUBSTITUTE HOUSE BILL NO. 3002,
 SUBSTITUTE HOUSE BILL NO. 3007,
 HOUSE JOINT MEMORIAL NO. 4030,
 HOUSE CONCURRENT RESOLUTION NO. 4438.

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 8, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6417, adopting the supplemental capital budget, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

All previous amendments be rejected, and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

As used in this act, the following phrases have the following meanings:

'CEP & RI Acct' means Charitable, Educational, Penal, and Reformatory Institutions Account;

'CWU Cap Proj Acct' means Central Washington University Capital Projects Account;

'Cap Bldg Constr Acct' means Capitol Building Construction Account;

'Cap Purch & Dev Acct' means Capitol Purchase and Development Account;

'Capital improvements' or 'capital projects' means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

'Common School Constr Fund' means Common School Construction Fund;

'Drug Enf & Ed Acct' means Drug Enforcement and Education Account;

'DSHS Constr Acct' means State Social and Health Services Construction Account;

'ESS Rail Assis Acct' means essential rail assistance account;

'ESS Rail Bank Acct' means essential rail bank account;

'EWU Cap Proj Acct' means Eastern Washington University Capital Projects Account;

'East Cap Devel Acct' means east campus development account;

'Fish Cap Proj Acct' means Fisheries Capital Projects Account;

'For Dev Acct' means Forest Development Account;

'Game Spec Wildlife Acct' means Game Special Wildlife Account;

'H Ed Constr Acct' means Higher Education Construction Account 1979;

'H Ed Reimb S/T bonds Acct' means Higher Education Reimbursable Short-Term Bonds Account;

'Hndcp Fac Constr Acct' means Handicapped Facilities Construction Account;

(~~'K-12 Education Acct' means the 'children's initiative fund'—K-12 education account created by Initiative 102 if Initiative 102 is enacted;~~)

'L & I Constr Acct' means Labor and Industries Construction Account;

'LIRA' means State and Local Improvement Revolving Account;

'LIRA, DSHS Fac' means Local Improvements Revolving Account—Department of Social and Health Services Facilities;

'LIRA, Public Rec Fac' means State and Local Improvement Revolving Account—Public Recreation Facilities;

'LIRA, Waste Disp Fac' means State and Local Improvement Revolving Account—Waste Disposal Facilities;

'LIRA, Waste Fac 1980' means State and Local Improvement Revolving Account—Waste Disposal Facilities 1980;

'LIRA, Water Sup Fac' means State and Local Improvement Revolving Account—Water supply facilities;

'Lapse' or 'revert' means the amount shall return to an unappropriated status;

'Local Jail Imp & Constr Acct' means Local Jail Improvement and Construction Account;

'ORA' means Outdoor Recreation Account;

'ORV' means off road vehicle;

'Provided solely' means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall revert;

'Public Safety and Education Acct' means Public Safety and Education Account;

'Res Mgmt Cost Acct' means Resource Management Cost Account;

'Sal Enhmt Constr Acct' means Salmon Enhancement Construction Account;

'St Bldg Constr Acct' means State Building Construction Account;

'St Fac Renew Acct' means State Facilities Renewal Account;

'St H Ed Constr Acct' means State Higher Education Construction Account;

'State Emerg Water Proj Rev' means Emergency Water Project Revolving Account—State;

'TESC Cap Proj Acct' means The Evergreen State College Capital Projects Account;

'UW Bldg Acct' means University of Washington Building Account;

'Unemp Comp Admin Acct' means Unemployment Compensation Administration Account;

'WA St Dev Loan Acct' means Washington State Development Loan Account;

'WSP Constr Acct' means Washington State Patrol Construction Account—State;

'WSU Bldg Acct' means Washington State University Building Account;

'WWU Cap Proj Acct' means Western Washington University Capital Projects Account.

PART 1

GENERAL GOVERNMENT

NEW SECTION. Sec. 101. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Technical review of capital projects (90-5-010)

	Reappropriation	Appropriation
General Fund—State		215,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		215,000

Sec. 102. Section 121, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Northern state repairs (90-1-012)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation from the charitable, educational, penal, and reformatory institutions account shall be used solely for developing a long-range plan for the use of the Northern State Hospital facility. The plan shall be developed cooperatively with the department of social and health services and in consultation with affected local communities. The study shall be submitted to the office of financial management and the legislature by January 8, 1990.

(2) The appropriation from the state building construction account shall be used for asbestos abatement in residence facilities currently in use and for electrical repairs.

	Reappropriation	Appropriation
CEP & RI Acct		100,000
St Bldg Constr Acct		(966,000)
		<u>1,244,000</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		(1,666,000)
		<u>1,344,000</u>

Sec. 103. Section 125, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor works: Building exterior repairs and renovation, and light fixtures for the Temple of Justice (90-2-006)

	Reappropriation	Appropriation
Cap Bldg Constr Acct		1,426,000
St Bldg Constr Acct		223,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	1,340,000	(2,766,000)
		<u>2,989,000</u>

Sec. 104. Section 138, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Northern State Multi-Service Center

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for ~~((the renovation of))~~ buildings to provide ~~((long-term))~~ care for the mentally ill consistent with chapter 205, Laws of 1989.

(2) No moneys from this appropriation may be expended until the department secures a lease with a county or a group of counties for ~~((the))~~ buildings ~~((to be renovated;))~~ for the purpose of operating a ~~((long-term-care))~~ facility for the mentally ill consistent with chapter 205, Laws of 1989.

(3) No moneys from this appropriation may be expended prior to adoption of a plan to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

	Reappropriation	Appropriation
St Bldg Constr Acct		2,500,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		2,500,000

NEW SECTION. Sec. 105. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Criminal justice training center

The appropriations in this section are subject to the following conditions and limitations:

(1) These appropriations are provided solely for the acquisition of and capital improvements to a multipurpose facility to be used by the criminal justice training commission for its educational programs and by other state agencies for meetings and other appropriate uses as determined by the department of general administration.

(2) The department shall negotiate a price for the property and make the balance of the appropriation available for improvements necessary for the facility to meet the educational needs of the criminal justice training commission.

	Reappropriation	Appropriation
St Bldg Constr Acct		5,000,000
Public Safety Reimbursable Bond Acct		8,000,000
Public Safety and Education Acct		3,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		16,000,000

NEW SECTION. Sec. 106. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT

HVAC reappropriation (89-2-001)

	Reappropriation	Appropriation
St Bldg Constr Acct	274,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		274,000

Sec. 107. Section 142, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Constr watercraft supt training complex (86-1-003)

The appropriations in this section are subject to the following conditions and limitations:

~~((+))~~ The state building construction account appropriation is provided solely for the acquisition of a 50-year lease from the Port of Tacoma.

~~((2))~~ ~~The office of financial management shall not allot any portion of this appropriation unless it first determines that an agreement between the military department and the federal department of defense for the release of the property on Ruston Way in Tacoma provides that ownership of the property will be conveyed in fee simple to the state.~~

~~((3))~~ ~~It is the intent of the legislature that once the state owns the Ruston Way property, the property shall be available for sale in order to recover the cost of the 50-year lease.~~

	Reappropriation	Appropriation
General fund—Federal		6,885,000
St Bldg Constr Acct		1,300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
1,640,000	5,500,000	15,324,000

PART 2
HUMAN SERVICES

NEW SECTION. Sec. 201. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Asian counseling and referral service (90-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation shall be used for building renovation costs only.

(2) The Asian counseling and referral service shall continue to provide uncompensated community services.

	Reappropriation	Appropriation
St Bldg Constr Acct		100,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		100,000

Sec. 202. Section 209, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Public works trust fund (90-2-001)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for public works projects recommended by the public works board and approved by the legislature under chapter 43.155 RCW.

	Reappropriation	Appropriation
Pub Works Asst Acct	61,627,871	(78,241,000)
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
32,446,397	168,562,493	86,957,000
		(327,623,873)
		<u>336,339,873</u>

NEW SECTION. Sec. 203. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Klickitat dredge spoil spreading

The appropriation in this section is subject to the following conditions and limitations:

(1) The port of Klickitat shall sign an agreement to repay this appropriation plus simple interest at 7 percent in eight annual installments beginning July 1, 1993.

(2) Expenditure of moneys from this appropriation is contingent on \$300,000 from port district funds being provided for the project.

	Reappropriation	Appropriation
St Bldg Constr Acct		250,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		250,000

Sec. 204. Section 216, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Columbia County Courthouse (89-4-004)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 is provided solely to repair and restore the Columbia county courthouse.

(2) The \$400,000 reappropriation shall be matched by \$700,000 in private donations and local funds from Columbia county.

(3) The \$200,000 appropriation shall be matched by ~~(an equal amount of)~~ \$100,000 in private donations and local funds from Columbia county.

	Reappropriation	Appropriation
St Bldg Constr Acct	400,000	200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		600,000

Sec. 205. Section 203, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Endangered landmark buildings (88-2-009)

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(\$600,000 is provided solely to be used by the department to purchase and hold for brief periods landmark buildings which might otherwise be lost or altered, and to resell those buildings with the proceeds from the sale deposited in the endangered landmark preservation fund)~~ \$50,000 of this appropriation may be used in conjunction with \$100,000 from the endangered landmark preservation fund for matching grants-in-aid under RCW 27.34.220.

(2) ~~(This appropriation is contingent on an equal amount being provided from nonstate sources on a project-by-project basis.)~~

~~(3) If legislation creating the landmarks preservation fund and establishing the endangered landmarks preservation program in statute is not adopted by the legislature by July 1, 1990, any moneys remaining from the appropriation in this section shall lapse)~~ No portion of this appropriation may be expended unless an equal amount from nonstate sources is provided for the same purpose.

	Reappropriation	Appropriation
St Bldg Constr Acct	(600,000)	
	<u>350,000</u>	

Prior BienniaFuture Biennia

Total
~~((600,000))~~
350,000

NEW SECTION, Sec. 206. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Preservation of historic community theaters

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for grants to local governments to preserve historic community theaters.

(2) No portion of this appropriation may be expended unless an equal amount from non-state sources is provided for the same purpose.

Reappropriation

Appropriation

St Bldg Constr Acct

500,000

Prior BienniaFuture BienniaTotal

500,000

NEW SECTION, Sec. 207. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Repair and renovation of the Seventh Street Theatre in Hoquiam

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the repair and renovation of an historic theatre in Hoquiam.

(2) No portion of this appropriation may be expended unless an equal amount from non-state sources is provided for the same purpose.

Reappropriation

Appropriation

St Bldg Constr Acct

250,000

Prior BienniaFuture BienniaTotal

250,000

NEW SECTION, Sec. 208. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

A contemporary theater

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the construction of a new theater in Seattle.

(2) No portion of this appropriation may be expended unless at least \$9,000,000 from non-state sources, including the value of land, is provided for the same purpose. State and nonstate amounts shall be expended on a pro rata basis.

Reappropriation

Appropriation

St Bldg Constr Acct

1,000,000

Prior BienniaFuture BienniaTotal

1,000,000

Sec. 209. Section 218, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

~~((Purchase of the Last Territorial Governor's House))~~ Rehabilitation of Liberty Theater

The appropriation in this section is subject to the following conditions and limitations:

(1) Expenditure of moneys from this appropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources, including in-kind contributions, for each four dollars spent from this appropriation.

~~(2) ((A nonprofit organization shall be formed for the purpose of spending this appropriation and operating the territorial governor's house.~~

~~(3) The purchase price shall not exceed an independently appraised value))~~ The appropriation is provided solely for a grant to a nonprofit corporation for rehabilitation and restoration of the historic Liberty Theater building in Walla Walla.

(3) The owner of the building shall grant to the state an historic preservation easement prior to the expenditure of any funds from this appropriation.

(4) The nonprofit corporation shall submit to the director of community development, for the director's approval, a financial plan for the long-term operation of the building.

Reappropriation

Appropriation

St Bldg Constr Acct

200,000

Prior BienniaFuture BienniaTotal

200,000

NEW SECTION, Sec. 210. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Bremerton naval heritage redevelopment project

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for capital improvements to the naval destroyer U.S.S. Turner Joy, in conjunction with the Bremerton naval heritage redevelopment project.

(2) No portion of this appropriation may be expended unless an equal amount from non-state and nonfederal sources is expended for the same purpose.

(3) Prior to the expenditure of this appropriation, the recipient of the grant shall prepare and submit to the director of community development, for the director's approval, a financial plan that identifies the revenue sources for the completion of the project and for the long-term operation of the project.

	Reappropriation	Appropriation
St Bldg Constr Acct		256,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		256,000

NEW SECTION. Sec. 211. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Spokane Falls community college athletic track

The appropriation in this section is subject to the following conditions and limitations: No portion of this appropriation may be expended unless at least \$277,000 from nonstate sources is provided for the same purpose.

	Reappropriation	Appropriation
St Bldg Constr Acct		450,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		450,000

NEW SECTION. Sec. 212. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Spokane food bank freezer

	Reappropriation	Appropriation
St Bldg Constr Acct		150,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		150,000

NEW SECTION. Sec. 213. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Design and construct 24-bed residential facility to house juvenile sex offenders at Maple Lane school (90-5-001)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,256,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,256,000

NEW SECTION. Sec. 214. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate existing residential facility and construct perimeter fence at Echo Glen (90-5-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		956,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		956,000

Sec. 215. Section 234, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

~~((ESTC: Renovate residences to high school (88-1-318)))~~

Child Study and Treatment Center: design (88-1-318)

The appropriation in this section shall be subject to the following conditions and limitations: The building program shall be approved by the office of financial management prior to expenditure of funds for design.

	Reappropriation	Appropriation
St Bldg Constr Acct	160,000	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
165,000		325,000

NEW SECTION. Sec. 216. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Facilities master plan

The appropriation in this section is subject to the following conditions and limitations: The department shall develop a facilities master plan for the correctional system to improve the efficiency of the system and to accommodate the increasing number and changing needs of

the inmate population. Specific plans for women and geriatric inmates, a reception center, work release facilities, and time schedules for construction, shall be included in the master plan.

	Reappropriation	Appropriation
St Bldg Constr Acct		200,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		200,000

Sec. 217. Section 282, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center implement master plan (88-2-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) Moneys in this appropriation shall not be expended until the master plan has been submitted to the legislative fiscal committees and the office of financial management has reported to the committees that satisfactory progress has been made on receiving approval of the environmental impact statement, selecting mainland parking facility, and selecting mainland ferry terminal.

(2) The department shall, to the maximum extent possible, employ inmate labor in the construction of this project.

	Reappropriation	Appropriation
St Bldg Constr Acct		((4,377,666))
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
621,000	((28,666,666))	31,393,000
	45,106,000	((32,998,666))
		77,120,000

Sec. 218. Section 297, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

((Clallam Bay corrections center double ceiling and program area renovations)) Clallam Bay corrections center expansion (90-5-026)

	Reappropriation	Appropriation
St Bldg Constr Acct		((4,071,666))
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		25,301,000
		((4,071,666))
		25,301,000

NEW SECTION. Sec. 219. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Open new inmate work camps (90-2-001)

The appropriation in this section is provided for the design and construction and/or acquisition of three 400-bed inmate work camps.

	Reappropriation	Appropriation
St Bldg Constr Acct		46,905,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		46,905,000

NEW SECTION. Sec. 220. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington corrections center double-bunking (90-2-002)

	Reappropriation	Appropriation
St Bldg Constr Acct		173,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		173,000

NEW SECTION. Sec. 221. Section 293, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is repealed.

NEW SECTION. Sec. 222. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington state penitentiary—Minimum security unit double-bunking (90-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		1,210,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,210,000

NEW SECTION. Sec. 223. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Twin Rivers corrections center double-bunking (90-2-004)

St Bldg Constr Acct	Reappropriation	Appropriation
		2,981,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		2,981,000

NEW SECTION, Sec. 224. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington state penitentiary—Medium security complex double-bunking (90-2-005)

St Bldg Constr Acct	Reappropriation	Appropriation
		1,128,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,128,000

NEW SECTION, Sec. 225. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Clearwater/Olympic 100-bed expansion (90-2-006)

The appropriation in this section is subject to the following conditions and limitations: The department shall, to the maximum extent possible, employ inmate labor in the construction of this project.

St Bldg Constr Acct	Reappropriation	Appropriation
		1,738,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,738,000

NEW SECTION, Sec. 226. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Cedar Creek corrections center 100-bed expansion (90-2-007)

The appropriation in this section is subject to the following conditions and limitations: The department shall, to the maximum extent possible, employ inmate labor in the construction of this project.

St Bldg Constr Acct	Reappropriation	Appropriation
		1,637,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		1,637,000

NEW SECTION, Sec. 227. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Camp Labor Pool Funds

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for Clearwater/Olympic and Cedar Creek Corrections Centers.

(2) No moneys may be expended without prior approval of the office of financial management. It is anticipated that inmate labor will be available for use by the department. However, the office of financial management may approve expenditure of such amounts from this appropriation as are necessary upon a showing by the department that inmate labor is insufficient to complete 7.5 percent of each project.

(3) If the department requests any portion of this appropriation, it shall provide a report to the fiscal committees of the house of representatives and senate.

St Bldg Constr Acct	Reappropriation	Appropriation
		229,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		229,000

NEW SECTION, Sec. 228. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

New medium security institution (90-2-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided for the design and environmental impact statement of a prototypical 1,024-bed or larger institution, site acquisition, site preparation, and facility programming.

(2) In designing the institution, the department shall consider the long-range alternatives for prison expansion recommended in the department's population management and facilities plan.

St Bldg Constr Acct	Reappropriation	Appropriation
		4,417,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	97,859,000	102,276,000

NEW SECTION. Sec. 229. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington state penitentiary—Six and eight wing emergency capacity (90-2-014)

	Reappropriation	Appropriation
St Bldg Constr Acct		132,000
	<u>Prior Biennia</u>	<u>Total</u>
		132,000
	<u>Future Biennia</u>	

NEW SECTION. Sec. 230. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Eastern Washington prerelease emergency capacity (90-2-015)

	Reappropriation	Appropriation
St Bldg Constr Acct		62,000
	<u>Prior Biennia</u>	<u>Total</u>
		62,000
	<u>Future Biennia</u>	

NEW SECTION. Sec. 231. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Forestry camps 1 & 2: Expand from 200 to 300 beds (90-5-027)

	Reappropriation	Appropriation
St Bldg Constr Acct		4,820,000
Drug Enf & Ed Acct		7,106,000
	<u>Prior Biennia</u>	<u>Total</u>
		11,926,000
	<u>Future Biennia</u>	

Sec. 232. Section 402, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sum of ~~((twenty one million three hundred five thousand dollars))~~ \$14,199,000, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the drug enforcement and education account to the department of corrections. Of this amount, ~~((eight million eight hundred thousand dollars))~~ \$1,694,000 is for start-up and operational costs associated with ((the additional prison population due to the new crimes and increased penalties established by sections 101 through 112 of this act)) forestry camps 1 and 2. The remaining twelve million five hundred five thousand dollars is for the purpose of ~~((renovating or))~~ constructing ((additional facilities needed as a result of the new crimes and penalties)) forestry camps 1 and 2.

PART 3

NATURAL RESOURCES

NEW SECTION. Sec. 301. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Westhaven comfort station replacement (89-2-119)

	Reappropriation	Appropriation
St Bldg Constr Acct		423,000
	<u>Prior Biennia</u>	<u>Total</u>
		423,000
	<u>Future Biennia</u>	

NEW SECTION. Sec. 302. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden, Balloon hangar (90-5-004)

The appropriation in this section is subject to the following conditions and limitations: No portion of this appropriation may be expended unless at least \$1,100,000 from nonstate sources is provided for the same purpose. State and nonstate amounts shall be spent on a pro rata basis.

	Reappropriation	Appropriation
St Bldg Constr Acct		500,000
	<u>Prior Biennia</u>	<u>Total</u>
		500,000
	<u>Future Biennia</u>	

NEW SECTION. Sec. 303. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

John Wayne Trail—Tunnel 47 safety improvements (91-1-005)

	Reappropriation	Appropriation
St Bldg Constr Acct		196,000
	<u>Prior Biennia</u>	<u>Total</u>
		196,000
	<u>Future Biennia</u>	

Sec. 304. Section 357, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Maryhill—Development (88-5-035)

The appropriation in this section is subject to the following conditions and limitations: Not more than \$75,000 may be used to contract with the department of community development to conduct archeological and cultural resource studies in connection with the development of property along the Columbia river.

	Reappropriation	Appropriation
St Bldg Constr Acct	1,025,798	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
50,202		1,076,000

NEW SECTION. Sec. 305. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Colville Tribes Interpretive Center

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely to the state parks and recreation commission to help the Confederated Tribes of the Colville Indian Reservation complete a plan for an interpretive center to depict the heritage of the eleven bands forming the federation and for a memorial to Chief Joseph.

(2) The commission shall submit the plan to the governor and the legislature.

	Reappropriation	Appropriation
General Fund—State		25,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		25,000

Sec. 306. Section 320, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

West Hylebos—Acquisition and development (86-4-013)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the necessary construction contract is not entered into by June 30, ((1990)) 1991.

	Reappropriation	Appropriation
St Bldg Constr Acct	195,595	
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
177		195,772

NEW SECTION. Sec. 307. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Ohme Gardens—Acquisition, safety, and irrigation improvements (89-5-169)

The appropriation in this section is subject to the following conditions and limitations: This property shall be operated by Chelan county at county expense.

	Reappropriation	Appropriation
St Bldg Constr Acct		765,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		765,000

NEW SECTION. Sec. 308. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Olympic Academy (91-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The expenditure of these funds shall not exceed 12 percent of the total project cost, including the value of donated property.

(2) This appropriation is contingent on the provision of an equal amount of money from city or county sources.

	Reappropriation	Appropriation
St Bldg Constr Acct		3,000,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		3,000,000

Sec. 309. Section 407, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Towhead Island public access—Renovation (86-2-028)

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall lapse if construction has not begun by ((June 30, 1990)) March 31, 1991.

	Reappropriation	Appropriation
ORA—Federal	20,000	
ORA—State	191,000	

Prior BienniaFuture BienniaTotal
211,000

Sec. 310. Section 415, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Hood Canal boat access development (86-3-035)

The appropriations in this section are subject to the following conditions and limitations: If not expended by (~~June 30~~) December 31, 1990, the appropriations in this section shall lapse.

	Reappropriation	Appropriation
ORA—Federal	30,000	
ORA—State	270,000	
<u>General Fund—Federal</u>		
<u>Prior Biennia</u>		<u>171,000</u>
<u>Future Biennia</u>		<u>Total</u>
		<u>((366,000))</u>
		<u>471,000</u>

Sec. 311. Section 428, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Columbia River—Fishing access (88-5-014)

The appropriation in this section is subject to the following condition and limitation: The appropriation shall lapse if necessary permits have not been obtained by (~~December 31, 1989~~) June 30, 1990.

	Reappropriation	Appropriation
St Bldg Constr Acct	186,000	
<u>Prior Biennia</u>		<u>Total</u>
<u>Future Biennia</u>		<u>315,000</u>

Sec. 312. Section 459, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Wildlife area repair and development (90-2-016)

	Reappropriation	Appropriation
Wildlife Acct—State		<u>((256,000))</u>
		<u>265,000</u>
<u>Wildlife Acct—Federal</u>		<u>45,000</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
	<u>500,000</u>	<u>((756,000))</u>
		<u>810,000</u>

NEW SECTION, Sec. 313. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Office repair/renovation/remodel (90-2-020)

The appropriation in this section is subject to the following conditions and limitations: There shall be no expenditure of funds related to the expansion, renovation, or remodeling of facilities in Olympia, with the exception of the remodel of the Olympia warehouse.

	Reappropriation	Appropriation
Wildlife Acct—State		580,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		<u>580,000</u>

Sec. 314. Section 469, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Regional Office Facilities Relocation—Purchase or Construct (90-2-021)

The appropriation in this section is subject to the following conditions and limitations: If the site selected for the new Spokane office is a site that was owned by the department as of January 1, 1990, \$75,000 of the appropriation shall lapse.

	Reappropriation	Appropriation
Wildlife Acct—State		<u>((425,000))</u>
		<u>1,610,000</u>
<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u>
		<u>((425,000))</u>
		<u>1,610,000</u>

NEW SECTION, Sec. 315. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

Continued feasibility study and design work for a steelhead and rainbow trout hatchery at Grandy creek.

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$125,000 may be expended to determine the adequacy of water quality and

supply, the appropriateness of the site, and the feasibility of the project. If the department determines that these conditions are favorable, the remainder of this appropriation may be expended for design, planning, and site work for the project.

	Reappropriation	Appropriation
Wildlife Acct—State		500,000
<u>Prior Biennia</u>		Total
	<u>Future Biennia</u>	500,000

Sec. 316. Section 510, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Timber—Fish—Wildlife (88-2-021)

The appropriation in this section is subject to the following condition and limitation: This appropriation shall lapse if the orphan roads are not identified by September 30, 1989, and construction begun by (~~December 31, 1989~~) September 30, 1990.

	Reappropriation	Appropriation
St Bldg Constr Acct	262,500	
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
37,500		300,000

Sec. 317. Section 519, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation site renovation (89-3-001)

The appropriations in this section are subject to the following conditions and limitations: If not expended by (~~June~~) September 30, 1990, the appropriations in this section shall lapse.

	Reappropriation	Appropriation
St Bldg Constr Acct	550,100	
ORA—State	561,100	
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
36,800		1,148,000

NEW SECTION. Sec. 318. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

North Creek Regional Park

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for a grant for the acquisition and development of a regional park in Snohomish County.

(2) No entity may receive any portion of this appropriation unless it agrees to provide for the same purpose at least two dollars from nonstate sources for each one dollar from the appropriation.

	Reappropriation	Appropriation
St Bldg Constr Acct		300,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
		300,000

NEW SECTION. Sec. 319. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Acquisition of wildlife conservation and recreation lands

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) \$26,500,000 of the appropriation from the habitat conservation account, hereby created in the state treasury, shall be expended in the following manner:

(i) At least thirty-five percent for the acquisition and development of critical habitat;

(ii) At least twenty percent for the acquisition and development of natural areas;

(iii) At least fifteen percent for the acquisition and development of urban wildlife habitat; and

(iv) The remaining amount shall be considered unallocated and shall be used by the committee to fund high-priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat;

(b) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under (a) (i), (ii), and (iv) of this subsection; and

(c) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under (a) (iii) and (iv) of this subsection.

(2) (a) \$26,500,000 of the appropriation from the outdoor recreation account shall be expended in the following manner:

(i) At least twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs;

(ii) At least twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

- (iii) At least fifteen percent for the acquisition and development of trails;
- (iv) At least ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and
- (v) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high-priority acquisition and development needs for parks, trails, and water access sites;
- (b) Only local agencies may apply for acquisition, development, or renovation funds for local parks under (a)(ii) of this subsection;
- (c) State and local agencies may apply for funds for trails under (a)(iii) of this subsection; and
- (d) State and local agencies may apply for funds for water access sites under (a)(iv) of this subsection.
- (3) This appropriation may not be used to transfer land from one state agency to another if that transfer will result in the transferred land being subject to payments for property tax or any consideration in lieu of property taxes.
- (4) No portion of this appropriation may be expended for local projects unless an equal amount from nonstate sources is provided for the same purpose.
- (5) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.
- (6) Moneys appropriated under this section may not be used by the committee to fund additional staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter.
- (7) Moneys appropriated under this section may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.
- (8) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:
 - (a) For critical habitat and natural areas proposals:
 - (i) Community support;
 - (ii) Immediacy of threat to the site;
 - (iii) Uniqueness of the site;
 - (iv) Diversity of species using the site;
 - (v) Quality of the habitat;
 - (vi) Long-term viability of the site;
 - (vii) Presence of endangered, threatened, or sensitive species;
 - (viii) Enhancement of existing public property;
 - (ix) Consistency with a local land use plan, or a regional or state-wide recreational or resource plan; and
 - (x) Educational and scientific value of the site.
 - (b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:
 - (i) Population of, and distance from, the nearest urban area;
 - (ii) Proximity to other wildlife habitat;
 - (iii) Potential for public use; and
 - (iv) Potential for use by special needs populations.
- (9) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities.
- (10) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.
- (11) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria:
 - (a) For trails proposals:
 - (i) Community support;
 - (ii) Immediacy of threat to the site;
 - (iii) Linkage between communities;
 - (iv) Linkage between trails;
 - (v) Existing or potential usage;
 - (vi) Consistency with an existing local land use plan or a regional or state-wide recreational or resource plan;
 - (vii) Availability of water access or views;
 - (viii) Enhancement of wildlife habitat; and
 - (ix) Scenic values of the site.
 - (b) For water access proposals:
 - (i) Community support;
 - (ii) Distance from similar water access opportunities;
 - (iii) Immediacy of threat to the site;
 - (iv) Diversity of possible recreational uses; and
 - (v) Public demand in the area.

(12) The committee shall recommend to the governor a preliminary list of projects to be funded from this appropriation. The list shall include but not be limited to, a description of each project and shall describe any anticipated restrictions on recreational activities for the project. After review and comment by the governor, the committee shall recommend a final list of projects for approval by the governor. If the governor removes a project from the list, the committee shall recommend a replacement for the removed project.

(13) Only projects on the final list approved by the governor under subsection (12) of this section may be funded from these appropriations.

	Reappropriation	Appropriation
Habitat Conservation Acct		26,500,000
ORA		26,500,000
		Total
<u>Prior Biennia</u>	<u>Future Biennia</u>	53,000,000

PART 4
EDUCATION

Sec. 401. Section 708, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Public school building construction: 1989 (90-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$1,050,000 may be spent for state administration of school construction funding.

(2) \$66,136,000 is provided solely for modernization projects previously approved by the state board of education. An additional \$26,892,000 is provided solely for modernization projects if at least \$40,000,000 is appropriated for school construction by the legislature by June 30, 1990, over and above the amounts appropriated for school construction in this act.

(3) ~~The appropriation in this section includes proceeds of the issuance of bonds authorized for deposit in the common school construction fund by chapter 3, Laws of 1987 1st ex. sess., and ten million dollars in additional state bonds authorized by chapter 14, Laws of 1989 1st ex. sess. ((Of the proceeds of bonds authorized by chapter 14, Laws of 1989 1st ex. sess., \$8,000,000, or as much thereof as may be necessary, shall be compensation to the common school construction fund for the sale of timber from common school trust lands sold to the parks and recreation commission pursuant to RCW 43.51.270, and authorized for sale by the legislature prior to January 1, 1989.))~~

(4) The state board shall review current rules and administrative procedures, and shall amend or revise these rules and procedures to address the following concerns:

(a) The discrepancy between the forecasted enrollments used for determining state funding for school construction, and the state-wide growth trends predicted by the office of financial management;

(b) The infrequency of cooperative use of surplus space available in neighboring districts;

(c) The creation of new construction needs by school districts by selling or demolishing schools, or by redesignating grade space or administrative use of school buildings;

(d) The incentive to condemn useable schools to secure state funding, rather than awaiting uncertain support for modernization;

(e) Greater needs for replacement of decaying schools caused by deferral of modernization, at a higher long-term cost to the state and local districts;

(f) The potential of district boundary changes for the purpose of achieving more efficient use of facilities; and

(g) The potential of the state to recover its share of the value of sold school buildings that were built with state matching moneys.

Prior to September 15, 1989, the state board of education shall report to the capital facilities and financing committee of the house of representatives and the ways and means committee of the senate on the actions taken or rules adopted by the board to address these concerns.

(5) \$11,748,000 is provided solely for vocational-technical institute projects previously approved by the state board of education if at least \$40,000,000 is appropriated for school construction by the legislature by June 30, 1990, over and above the amounts appropriated for school construction in this act.

	Reappropriation	Appropriation
Common School Constr Fund		252,097,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total
		252,097,000

Sec. 402. Section 718, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

~~((Wheelchair lifts))~~ Outside elevators—Clark Hall, vocational, Northrup School (90-2-003)

	Reappropriation	Appropriation
St Bldg Constr Acct		((+47,100))
		297,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	<u>Total</u> (+47,100) 297,000
<u>NEW SECTION</u> , Sec. 403. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows: FOR THE UNIVERSITY OF WASHINGTON K-wing addition (90-1-001) The appropriation in this section is subject to the following conditions and limitations: (1) This appropriation is provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts pursuant to RCW 43.99H.020(18). (2) The University of Washington shall submit a value engineering report on the project to the legislative fiscal committees upon completion of thirty percent of the design of the project.		
Higher Ed Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	45,000,000
		<u>Total</u> 45,000,000
<u>NEW SECTION</u> , Sec. 404. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows: FOR THE UNIVERSITY OF WASHINGTON Physics building site prep		
St Bldg Constr Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	3,623,000
		<u>Total</u> 3,623,000
<u>NEW SECTION</u> , Sec. 405. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows: FOR WASHINGTON STATE UNIVERSITY Washington Higher Education Telecommunications System (WHETS) The appropriation in this section is subject to the following conditions and limitations: (1) \$2,755,000 is provided solely to convert one of two analog channels to digital. (2) \$94,000 is provided solely to equip one new WHETS classroom at the Southwest Washington branch campus. (3) \$112,000 is provided solely for equipment necessary to offer nursing classes on the system. (4) The appropriation is subject to compliance with section 919, chapter 12, Laws of 1989 1st ex. sess. (uncodified). (5) Any expenditure under this appropriation shall be consistent with the plan being developed by the department of information services for the 1991 legislative session for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.		
WSU Bldg Acct	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	2,961,000
		<u>Total</u> 2,961,000
<u>NEW SECTION</u> , Sec. 406. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows: FOR EASTERN WASHINGTON UNIVERSITY Seventh Street replacement (90-3-001)		
EWU Capital Projects	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	338,000
		<u>Total</u> 338,000
<u>NEW SECTION</u> , Sec. 407. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows: FOR EASTERN WASHINGTON UNIVERSITY Minor works—Facilities renewal (90-3-002)		
EWU Capital Projects	Reappropriation	Appropriation
<u>Prior Biennia</u>	<u>Future Biennia</u>	1,167,000
		<u>Total</u> 1,167,000
Sec. 408. Section 789, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows: FOR CENTRAL WASHINGTON UNIVERSITY Psychology animal research facility (90-1-060)		
St Bldg Constr Acct	Reappropriation	Appropriation
		(+547,000) 2,147,000

<u>Prior Biennia</u>	<u>Future Biennia</u>	Total (1,547,666) 2,147,000
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Sec. 409. Section 801, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE
Life safety—Code compliance (88-1-001)

St Bldg Constr Acct	Reappropriation 172,000	Appropriation ((819,666)) 1,175,000
<u>Prior Biennia</u> 1,012,000	<u>Future Biennia</u>	Total ((2,603,666)) 2,359,000

NEW SECTION. Sec. 410. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Failed systems: Exterior building reseal and campus activity building settling and deck recaulk

St Bldg Constr Acct	Reappropriation	Appropriation 245,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total 245,000

Sec. 411. Section 812, chapter 12, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Minor works request/small repairs and improvements (90-1-004)

The appropriations in this section are subject to the following conditions and limitations:

The appropriations are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget, except that \$486,000 may be used to acquire property identified in the campus master plan.

WWU Cap Proj Acct	Reappropriation 2,503,000	Appropriation 3,900,000
<u>Prior Biennia</u> 8,948,481	<u>Future Biennia</u> 12,000,000	Total 27,351,481

NEW SECTION. Sec. 412. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

FOR THE STATE LIBRARY

Library for the Blind and Physically Handicapped planning costs

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to develop a plan for an alternative facility for the library for the blind and physically handicapped. The plan may anticipate that the state will contribute funds for a building to be owned and managed by the city of Seattle, in exchange for permanent rent-free space for library services for the blind and physically handicapped. The department of general administration, in cooperation with the state library, shall provide support for an analysis of facilities options and development of construction plans by the city of Seattle and the Seattle public library. The plan developed under this section shall include the recommendations of the department of general administration and the state library with respect to state participation in the project. If appropriate, the analysis may include consideration of alternatives to construction of a city-owned building, such as the purchase or lease of an existing facility. The plan shall address the interests of both the city and the state, how the facility will be used and managed, costs, and timing of the project. The plan shall be submitted to the governor and the legislature.

General Fund—State	Reappropriation	Appropriation 75,000
<u>Prior Biennia</u>	<u>Future Biennia</u>	Total 75,000

PART 5
MISCELLANEOUS

NEW SECTION. Sec. 501. A new section is added to chapter 12, Laws of 1989 1st ex. sess. (uncodified) to read as follows:

(1) The department of ecology may enter into a financial contract in the principal amount of \$53,000,000 plus financing costs and required reserves pursuant to chapter 39.94 RCW. This amount is for the acquisition of a Thurston county headquarters site, design, and construction.

(2) The Evergreen State College may enter into a financial contract in the principal amount of \$800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This amount is for expansion of the college activities building and the loan is to be repaid through student activity fees.

(3) Spokane community college may enter into a financial contract in the principal amount of \$75,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This amount is for conversion of an existing lease of a central storage facility for the college.

(4) Spokane community college may enter into a financial contract in the principal amount of \$161,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This amount is for conversion of an existing lease of a hangar at Fells field which houses a portion of an aircraft mechanics vocational training program.

NEW SECTION, Sec. 502. 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. 503. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending section 2, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 121, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 125, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 138, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 142, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 209, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 216, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 203, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 218, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 234, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 282, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 297, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 402, chapter 271, Laws of 1989 (uncodified); amending section 357, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 320, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 407, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 415, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 428, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 459, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 469, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 510, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 519, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 708, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 718, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 789, chapter 12, Laws of 1989 1st ex. sess. (uncodified); amending section 801, chapter 12, Laws of 1989 1st ex. sess. (uncodified); and amending section 812, chapter 12, Laws of 1989 1st ex. sess. (uncodified); adding new sections to chapter 12, Laws of 1989 1st ex. sess. (uncodified); repealing section 293, chapter 12, Laws of 1989 1st ex. sess. (uncodified); making appropriations; and declaring an emergency."

Signed by Senators Sellar, Warnke, Bluechel; Representatives H. Sommers, Rasmussen, Schoon.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6417 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 8, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 6664, amending the business license center act, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

All previous amendments be rejected, and

The bill be amended as follows:

On page 1, beginning on line 6, strike all of section 1

Remember the remaining sections consecutively and correct internal references accordingly.

On page 2, line 13, after "endorsements" strike "as well as a handling fee to be established by rule by the department to help defray the cost of issuing the master license" and insert "as well as the handling fee established under section 3 of this act"

On page 3, beginning on line 9, strike section 3 and insert:

***NEW SECTION, Sec. 3.** A new section is added to chapter 19.02 RCW to read as follows:

The department shall collect a handling fee of twelve dollars on each original master license issued. The handling fees collected under this section shall be deposited in the general fund."

On page 1, line 2 of the title, strike "19.02.030 and"

On page 1, line 3 of the title, strike "creating a new section" and insert "creating new sections"

Signed by Senators Lee, Smitherman, Anderson; Representatives Cantwell, Grant, Doty.

MOTION

On motion of Mr. Jesernig, the Report of the Conference Committee on Substitute Senate Bill No. 6664 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

March 5, 1990

Mr. Speaker:

The Senate concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 6494 on page 2, line 20. The President ruled the House amendment on page 5, line 6, and the corresponding title amendment beyond the scope and object of the bill. The Senate refuses to concur in said amendments and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. Hine moved that the House recede from its amendment to Substitute Senate Bill No. 6494 on page 5, line 6, and the corresponding title amendment.

Ms. Hine spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL WITH CERTAIN HOUSE AMENDMENT

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6494 with certain House amendment.

Mr. Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6494 with certain House amendment, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Former, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 6494 with certain House amendment, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 1990

Mr. Speaker:

The Senate insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 6255, and again asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House refuse to recede from its amendments to Substitute Senate Bill No. 6255, insist on its position and ask the Senate to concur therein. The motion was carried.

MESSAGE FROM THE SENATE

March 5, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5516, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Crane moved that the House refuse to recede from its amendments to Engrossed Second Substitute Senate Bill No. 5516, insist on its position and ask the Senate to concur therein. The motion was carried.

MESSAGE FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 2426, and passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 5, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE HOUSE BILL NO. 2426, revising provisions for employer contributions for unemployment compensation, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 2426, 59th Day, March 7, 1990.)

Signed by Senators Lee, McMullen, Matson; Representatives Vekich, Prentice, Smith.

MOTION

Ms. Cole moved that the House adopt the Report of the Free Conference Committee on Substitute House Bill No. 2426.

Representatives Vekich and Smith spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 2426 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2426 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute House Bill No. 2416 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2430, and passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 8, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2430, revising provisions for motor vehicle warranties, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 2430, 59th Day, March 7, 1990, Afternoon Session.)

Signed by Senators von Reichbauer, McMullen; Representatives Dellwo, P. King, Smith.

MOTION

Mr. Vekich moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2430.

Representatives Vekich and Smith spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2430 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2430 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, Mary, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Substitute House Bill No. 2430 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 2602, and passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 7, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED HOUSE BILL NO. 2602, changing provisions relating to support services for adoptions, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed House Bill No. 2602, 59th Day, March 7, 1990, Afternoon Session.)

Signed by Senators Smith, Patrick; Representatives Sayan, Hine, Moyer.

MOTION

Mr. Sayan moved that the House adopt the Report of the Free Conference Committee on Engrossed House Bill No. 2602.

Ms. Hine spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2602 as amended by Free Conference Committee.

Mr. Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2602 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed House Bill No. 2602 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2603, and passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2603, enhancing availability of medical care for children, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 2603, 59th Day, March 7, 1990, Afternoon Session.)

Signed by Senators Smith, Niemi, Amondson; Representatives Braddock, Vekich, Brooks.

MOTION

Mr. Braddock moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2603. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2603 as amended by Free Conference Committee.

Representatives Vekich and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2603 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fomer, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Substitute House Bill No. 2603 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2932, and passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 8, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2932, providing for regional water resource planning, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 2932, 59th Day, March 7, 1990, Afternoon Session.)

Signed by Senators Barr, Hansen, Newhouse; Representatives K. Wilson, R. Fisher, Miller.

MOTION

Ms. K. Wilson moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2932.

Representatives K. Wilson and Miller spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2932 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2932 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Substitute House Bill No. 2932 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 6303, and has granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred SENATE BILL NO. 6303, enhancing pedestrian safety, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Senate Bill No. 6303, 59th Day, March 7, 1990, Afternoon Session.)

Signed by Senators von Reichbauer, Bender, Benitz; Representatives Bennett, R. Meyers, S. Wilson.

MOTION

Mr. Bennett moved that the House adopt the Report of the Free Conference Committee on Senate Bill No. 6303.

Representatives Bennett and S. Wilson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Senate Bill No. 6303 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6303 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn,

Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Senate Bill No. 6303 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6649, and has granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6649, clarifying the status of Adopt-a-Highway signs, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 6649, 59th Day, March 7, 1990, Afternoon Session.)

Signed by Senators Thorsness, Conner, Johnson; Representatives Prentice, Cooper, Walker.

MOTION

Ms. Prentice moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 6649.

Ms. Prentice spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6649 as amended by Free Conference Committee.

Ms. Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6649 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Former, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Substitute Senate Bill No. 6649 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 2403, and passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 5, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE HOUSE BILL NO. 2403, adding video telecommunication responsibilities to the department of information services, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute House Bill No. 2403, today's Journal, Morning Session.)

Signed by Senators Thorsness, Madsen; Representatives Rector, Todd, McLean.

MOTION

Mr. Todd moved that the House adopt the Report of the Free Conference Committee on Substitute House Bill No. 2403.

Representatives Todd and McLean spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 2403 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2403 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G. Fisher R. Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P. King R. Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Ratier, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D. Sommers H. Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K. Wilson S. Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute House Bill No. 2403 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

REPORT OF CONFERENCE COMMITTEE

March 8, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6610, revising provisions for at-risk youth, have had the same under consideration and we recommend the following:

The House Committee on Human Services amendments be adopted (For committee amendments, see Journal, 47th Day, February 23, 1990.), and

The amendment by Representatives Sayan and Moyer on page 17, after line 20, to the committee amendment be adopted (For amendment, see Journal, 54th Day, March 2, 1990.) with the following changes:

On page 1, after line 2, strike all material through line 28, one page 7

On page 12, strike lines 7 through 9.

And, the bill do pass as recommended by the Conference Committee.

Signed by Senators Smith, Niemi, Craswell; Representatives Sayan, O'Brien, Bowman.

MOTION

Mr. Sayan moved that the House adopt the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6610.

Representatives Sayan and Moyer spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 6610 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6610 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruiitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Engrossed Second Substitute Senate Bill No. 6610 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5450, and has granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 8, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5450, providing for education in Pacific rim languages, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 5450, today's Journal, Morning Session.)

Signed by Senators Bailey, Talmadge, Lee; Representatives Jacobsen, Spanel, Van Luven.

MOTION

On motion of Mr. Jesernig, House Rule 26 was suspended.

MOTION

Mr. Jesernig moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 5450. The motion was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5450 as amended by Free Conference Committee.

Representatives Jacobsen and Van Luven spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5450 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 95; nays, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Hine, Todd - 2.

Engrossed Substitute Senate Bill No. 5450 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6306, and has granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 7, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 6306, revising provisions for tenure at community colleges, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 6306, today's Journal, Morning Session.)

Signed by Senators Saling, Bauer, Amondson; Representatives Bennett, Jacobsen, Miller.

MOTION

On motion of Mr. Jesernig, House Rule 26 was suspended.

MOTION

Mr. Jacobsen moved that the House adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 6306. The motion was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6306 as amended by Free Conference Committee.

Representatives Jacobsen and Van Luven spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6306 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 97.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Rafter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolte, Wood, Youngsman, Zellinsky, and Mr. Speaker - 97.

Substitute Senate Bill No. 6306 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212, and has granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212, relating to a constitutional amendment to allow current use valuation for property devoted to low-income housing, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Second Substitute Senate Joint Resolution No. 8212, today's Journal, Morning Session.)

Signed by Senators Lee, Murray, Smith; Representatives Todd, Leonard, Winsley.

MOTION

On motion of Mr. Jesernig, House Rule 26 was suspended.

MOTION

Mr. Jesernig moved that the House adopt the Report of the Free Conference Committee on Second Substitute Senate Joint Resolution No. 8212. The motion was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Second Substitute Senate Joint Resolution No. 8212 as amended by Free Conference Committee.

Ms. Winsley spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Joint Resolution No. 8212 as amended by Free Conference Committee, and the resolution passed the House by the following vote: Yeas, 94; nays, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spänel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Fuhrman, Holland, Horn - 3.

Second Substitute Senate Joint Resolution No. 8212 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68), the 1990 Regular Session will adjourn March 8, 1990, the 60th day of the session without finishing its essential tasks; and

WHEREAS, it is therefore necessary for me to convene a Special Session for the purposes of adequately addressing matters related to the Supplemental Budget for 1989-91, legislation designed to protect and preserve wetlands, legislation relating to "learning by choice" and "running start" enrollment option programs, the Family Independence program, legislation aiding the acquisition of wildlife habitat and outdoor recreation areas, expedited prison siting legislation, legislation relating to health cost containment and access, and bills in dispute as of the close of the Regular Session, such as, growth management, local government financing of criminal justice, and teachers training teachers;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the State of Washington on Friday, the 9th day of March, 1990, at 10:00 a.m.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 8th day of March, A.D., nineteen hundred and ninety.

(Seal)

BOOTH GARDNER,
Governor.

MESSAGE FROM THE SENATE

March 6, 1990

Mr. Speaker:

The Senate refused to grant the request of the House for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5545, and asks the House to recede from its amendments, which were previously ruled outside the scope and object of the bill by the President of the Senate, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTIONS

Mr. Jacobsen moved that the House recede from its amendments to Engrossed Substitute Senate Bill No. 5545.

Mr. Jacobsen spoke in favor of the motion, and it was carried.

Mr. Jesernig moved that the rules be suspended and the bill be returned to second reading for purpose of amendment. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5545, by Committee on Higher Education (originally sponsored by Senators Smitherman and Saling)

Establishing the state board for vocational education.

Mr. Jacobsen moved adoption of the following amendments by Representatives Jacobsen and Van Luven:

On page 1, line 17, after "commission" insert "and other duties assigned by the governor"

On page 2, after line 14, insert the following:

"Sec. 5. Section 2, chapter 299, Laws of 1986 and RCW 28C.10.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Agency' means the ((~~commission~~)) state board for vocational education or its successor.

(2) 'Agent' means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) 'Degree' means any designation, appellation, letters, or words including but not limited to 'associate,' 'bachelor,' 'master,' 'doctor,' or 'fellow' which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) 'Education' includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) 'Educational credentials' means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(6) 'Entity' includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) 'Private vocational school' means any location where an entity offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) 'To grant' includes to award, issue, sell, confer, bestow, or give.

(9) 'To offer' includes, in addition to its usual meanings, to advertise or publicize. 'To offer' also means to solicit or encourage any person, directly or indirectly, to perform the act described.

(10) 'To operate' means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state, and includes contracting for the performance of any such act.

Sec. 6. Section 3, chapter 299, Laws of 1986 and RCW 28C.10.030 are each amended to read as follows:

This chapter does not apply to:

(1) Bona fide trade, business, professional, or fraternal organizations sponsoring educational programs primarily for that organization's membership or offered by that organization on a no-fee basis;

(2) Entities offering education that is exclusively avocational or recreational;

(3) Education not requiring payment of money or other consideration if this education is not advertised or promoted as leading toward educational credentials;

(4) Entities that are established, operated, and governed by this state or its political subdivisions under Title 28A, 28B, or 28C RCW;

(5) Degree-granting programs in compliance with the rules of the higher education coordinating board;

(6) Any other entity to the extent that it has been exempted from some or all of the provisions of this chapter under RCW 28C.10.100;

(7) Entities not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives and represented accurately in institutional catalogs or other official publications;

(8) Entities offering only courses certified by the federal aviation administration;

(9) Barber and cosmetology schools licensed under chapter 18.16 RCW;

(10) Entities which only offer courses approved to meet the continuing education requirements for licensure under chapters 18.04, 18.78, 18.88, or 48.17 RCW; and

(11) Entities not otherwise exempt offering only workshops or seminars lasting no longer than three calendar days.

Sec. 7. Section 5, chapter 299, Laws of 1986 as amended by section 3, chapter 459, Laws of 1987 and RCW 28C.10.050 are each amended to read as follows:

(1) The agency shall adopt by rule minimum standards for private vocational schools. The minimum standards shall include, but not be limited to, requirements for each school to:

(a) Disclose to the agency information about its ownership and financial position and to demonstrate that it has sufficient financial resources to fulfill its commitments to students. Financial disclosures provided to the agency shall not be subject to public disclosure under chapter 42.17 RCW(;;);

(b) Follow a uniform state-wide cancellation and refund policy as specified by the agency(;;);

(c) Disclose through use of a school catalog, brochure, or other written material, necessary information to students so that students may make informed enrollment decisions. The agency shall specify what information is required(;;);

(d) Use an enrollment contract or agreement that includes: (i) The cancellation and refund policy, (ii) a brief statement that the school is licensed under this chapter and that inquiries may be made to the agency, and (iii) other necessary information as determined by the agency(;;);

(e) Describe accurately and completely in writing to students before their enrollment prerequisites and requirements for (i) completing successfully the programs of study in which they are interested and (ii) qualifying for the fields of employment for which their education is designed(;;);

(f) Comply with the requirements of RCW 28C.10.084(;;);

~~((2))~~ (g) Assess the basic skills and relevant aptitudes of each potential student to determine that a potential student has the basic skills and relevant aptitudes necessary to complete and benefit from the program in which the student plans to enroll. Guidelines for such assessments shall be developed by the agency, in consultation with the schools. The method of assessment shall be reported to the agency. Assessment records shall be maintained in the student's file;

(h) Discuss with each potential student the potential student's obligations in signing any enrollment contract and/or incurring any debt for educational purposes. The discussion shall include the inadvisability of acquiring an excessive educational debt burden that will be difficult to repay given employment opportunities and average starting salaries in the potential student's chosen occupation.

(2) Any enrollment contract shall have an attachment in a format provided by the agency. The attachment shall be signed by both the school and the student. The attachment shall stipulate that the school has complied with subsection (1)(h) of this section and that the student understands and accepts his or her responsibilities in signing any enrollment contract or debt application. The attachment shall also stipulate that the enrollment contract shall not be binding for at least five days, excluding Sundays and holidays, following signature of the enrollment contract by both parties.

(3) The agency shall deny, revoke, or suspend the license of any school that does not meet or maintain the minimum standards.

Sec. 8. Section 1, chapter 459, Laws of 1987 and RCW 28C.10.084 are each amended to read as follows:

(1) The agency shall establish, maintain, and administer a tuition recovery fund. All funds collected for the tuition recovery fund are payable to the state for the benefit and protection of any student or enrollee of a private vocational school licensed under this chapter, or, in the case of a minor, his or her parents or guardian, for purposes including but not limited to the settlement of claims procedures under subsection (9) of this section and RCW 28C.10.120. The fund shall be liable for settlement of claims and costs of administration but shall not be liable to pay out or recover penalties assessed under RCW 28C.10.130 or 28C.10.140. No liability accrues to the state of Washington from claims made against the fund.

(2) To be and remain licensed under this chapter each entity shall, in addition to other requirements under this chapter, make cash deposits into a tuition recovery fund as a means to assure payment of claims brought under this chapter. The fund shall be initially capitalized at two hundred thousand dollars and shall achieve an operating balance of at least one million dollars within five years after May 18, 1987, as required under subsection (5) of this section.

(3) The amount of liability that can be satisfied by this fund on behalf of each individual entity licensed under this chapter shall be established by the agency, based on an incremental scale that recognizes the average amount of unearned prepaid tuition in possession of the entity. However, the minimum amount of liability for any entity shall not be less than five thousand dollars and the maximum amount shall not exceed two hundred thousand dollars. Such limitation on each entity's liability remains unchanged by single or cumulative disbursements made on behalf of the entity. The upper limit of liability is reestablished following the settlement of any claim.

(4) Within sixty days after any entity deposits its initial contribution into the fund, the agency shall release whatever surety such entity had previously filed. Thereupon, the tuition recovery fund shall be liable for a period of one year following the date such surety is released with respect to prior claims against the surety. However, the liability of the fund is limited to the amount of and subject to the defenses of that released surety as though it had remained on file with the agency. The fund's liability with respect to each entity that makes an initial deposit into the fund commences on that date and ceases one year from the date it is no longer licensed under this chapter.

(5) The agency shall adopt by rule a matrix for calculating the deposits into the fund required of each entity. Proration shall be determined by factoring the entity's share of liability in proportion to the aggregated liability of all participants under the fund by grouping such prorations under the incremental scale created in subsection (3) of this section. Expressed as a percentage of the total liability, that figure determines the amount to be contributed when factored into a fund containing one million dollars. The total amount of its prorated share, minus the amount paid for initial capitalization, shall be payable in ten equal increments over a five-year period, commencing with the sixth month after May 18, 1987. Additionally, the agency shall require deposits for initial capitalization, under which the amount each entity deposits is proportionate to its share of two hundred thousand dollars, employing the matrix developed under this subsection. The amount thus established shall be deposited by each licensee of record, within thirty days after May 18, 1987, and a like amount shall be deposited by each subsequent applicant for licensing before the issuance of such license.

(6) No vested right or interests in deposited funds is created or implied for the depositor, either at any time during the operation of the fund or at any such future time that the fund may be dissolved. All funds deposited are payable to the state for the purposes described under this section. The agency shall maintain the fund, collect deposits when due by serving appropriate notices to affected entities, and make disbursements to settle claims. When the deposits total five million dollars and the history of disbursements so warrants, the agency may at its own option reduce the schedule of deposits whether as to time, amount, or both. When such level is achieved, the agency may also entertain proposals from among the licensees with regard to disbursing surplus funds for such purposes as vocational scholarships.

(7) The agency shall make determinations based on annual financial data supplied by the entity whether the increment assigned to that entity on the incremental scale established under subsection (5) of this section has changed. If an increase or decrease has occurred, a corresponding change in its incremental position and contribution schedule shall be made before the date of its next scheduled deposit into the fund.

(8) If fifty-one percent or more of the ownership interest in an entity is conveyed through sale or other means into different ownership, the contribution schedule of the prior owner is canceled. All contributions made to the date of transfer accrue to the fund. The new owner commences contributions under provisions applying to a new applicant.

(9) To settle complaints adjudicated under RCW 28C.10.120 and claims resulting ~~(from closure of an entity)~~ when a private vocational school ceases to provide educational services, the agency may make disbursements from the fund. In addition to the processes described under RCW 28C.10.120 for handling complaints, the following additional procedures are established to deal with school closures:

(a) The agency shall attempt to notify all potential claimants. The absence of records and other circumstances may make it impossible or unreasonable for the agency to ascertain the names and whereabouts of each potential claimant but the agency shall make reasonable inquiries to secure that information from all likely sources. The agency shall then proceed to settle the claims on the basis of information in its possession. The agency is not responsible or liable for claims or for handling claims that may subsequently appear or be discovered.

(b) Thirty days after identified potential claimants have been notified, if a claimant refuses or neglects to file a claim verification as requested in such notice, the agency shall be relieved of further duty or action on behalf of the claimant under this chapter.

(c) After verification and review, the agency may disburse funds from the tuition recovery fund to settle or compromise the claims. However, the liability of the fund for claims against the closed entity shall not exceed that total amount of the contribution schedule assigned to that entity under subsection (5) of this section.

(d) The agency shall seek to recover such disbursed funds from the assets of the defaulted entity, including but not limited to asserting claims as a creditor in bankruptcy proceedings.

(10) When funds are disbursed to settle claims against a current licensee, the agency shall make demand upon the licensee for recovery. The agency shall adopt schedules of times and amounts acceptable for effecting recoveries. An entity's failure to perform subjects its license to suspension or revocation under RCW 28C.10.050 in addition to any other available remedies.

(11) A minimum operating balance of two hundred thousand dollars shall be maintained in the fund. If disbursements reduce the balance below two hundred thousand dollars, each participating entity shall be assessed a prorata share of the deficiency created, based upon the incremental scale created under subsection (5) of this section. The agency shall promptly adopt schedules of times and amounts acceptable for affecting payments of assessments.

Sec. 9. Section 11, chapter 299, Laws of 1986 and RCW 28C.10.110 are each amended to read as follows:

It is an unfair business practice for a private vocational school or agent to:

- (1) Fail to comply with the terms of a student enrollment contract or agreement;
- (2) Use an enrollment contract form, catalog, brochure, or similar written material affecting the terms and conditions of student enrollment other than that previously submitted to the agency and authorized for use;
- (3) Advertise in the help wanted section of a newspaper or otherwise represent falsely, directly or by implication, that the school is an employment agency, is making an offer of employment or otherwise is attempting to conceal the fact that what is being represented are course offerings of a school;
- (4) Represent falsely, directly or by implication, that an educational program is approved by a particular industry or that successful completion of the program qualifies a student for admission to a labor union or similar organization or for the receipt of a state license in any business, occupation, or profession;
- (5) Represent falsely, directly or by implication, that a student who successfully completes a course or program of instruction may transfer credit for the course or program to any institution of higher education;
- (6) Represent falsely, directly or by implication, in advertising or in any other manner, the school's size, location, facilities, equipment, faculty qualifications, or the extent or nature of any approval received from an accrediting association;
- (7) Represent that the school is approved, recommended, or endorsed by the state of Washington or by the agency, except the fact that the school is authorized to operate under this chapter may be stated;
- (8) Provide prospective students with any testimonial, endorsement, or other information which has the tendency to mislead or deceive prospective students or the public regarding current practices of the school, current conditions for employment opportunities, or probable earnings in the occupation for which the education was designed;
- (9) Designate or refer to sales representatives as 'counselors,' 'advisors,' or similar terms which have the tendency to mislead or deceive prospective students or the public regarding the authority or qualifications of the sales representatives;
- (10) Make or cause to be made any statement or representation in connection with the offering of education if the school or agent knows or reasonably should have known the statement or representation to be false, substantially inaccurate, or misleading; ((or))
- (11) Engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair, as determined by the agency by rule; or
- (12) Attempt to recruit students in or within forty feet of a building that contains a welfare or unemployment office. Recruiting includes, but is not limited to canvassing and surveying. Recruiting does not include leaving materials at or near an office for a person to pick up of his or her own accord, or handing a brochure or leaflet to a person provided that no attempt is made to obtain a name, address, telephone number, or other data, or to otherwise actively pursue the enrollment of the individual.

It is a violation of this chapter for a private vocational school to engage in an unfair business practice.

Sec. 10. Section 12, chapter 299, Laws of 1986 as amended by section 83, chapter 175, Laws of 1989 and RCW 28C.10.120 are each amended to read as follows:

(1) A person claiming loss of tuition or fees as a result of an unfair business practice may file a complaint with the agency. The complaint shall set forth the alleged violation and shall contain information required by the agency. A complaint may also be filed with the agency by an authorized staff member of the agency or by the attorney general.

(2) The agency shall investigate any complaint under this section and may attempt to bring about a settlement. The agency may hold a hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW, in order to determine whether a violation has occurred. ~~((If the agency prevails, the private vocational school shall pay the costs of the administrative hearing.))~~

(3) If, after the hearing, the agency finds that the private vocational school or its agent engaged in or is engaging in any unfair business practice, the agency shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties under RCW 28C.10.130. If the agency finds that the complainant has suffered loss as a result of the act or practice, the agency may order full or partial restitution for the loss. The complainant is not bound by the agency's determination of restitution and may pursue any other legal remedy.

(4) If the agency prevails in any administrative hearing, the private vocational school shall pay the costs of the administrative hearing.

NEW SECTION. Sec. 11. Until December 31, 1990, the agency shall distribute copies of sections 5 through 10 of this act to each private vocational school licensed by the agency."

Renumber the sections consecutively and correct internal references accordingly.

On page 2, line 15, after "Sec. 5." strike "This" and insert "Sections 1 through 4 of this"

On page 2, line 16, after "Sec. 6." strike "This act is" and insert "Sections 1 through 4 and 11 of this act are"

Representatives Jacobsen and Van Luven spoke in favor of adoption of the amendments, and they were adopted.

On motion of Mr. Jacobsen, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "education;" insert "amending RCW 28C.10.020, 28C.10.030, 28C.10.050, 28C.10.084, 28C.10.110, and 28C.10.120;"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5545 as amended by the House, and the bill passed the House by the following vote: Yeas, 86; nays, 11.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Braddock, Brekke, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Bowman, Brooks, Brumsickle, Horn, May, McLean, Moyer, Padden, Smith, Wolfe, Youngsman - 11.

Engrossed Substitute Senate Bill No. 5545 as amended by the House, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 6255 and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 6494, as amended by the House on page 2, line 20, and without the amendments to page 5, line 6 and the corresponding title amendment.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The President ruled the Conference Committee report on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6610, beyond the scope and object of the bill, and referred the issue back to the Conference Committee.

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6664, and has granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 8, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 6664, amending the business license center act, have had the

same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 6664, today's Journal, Afternoon Session.)

Signed by Senators Lee, Smitherman, Anderson; Representatives Cantwell, Grant, Doty.

MOTION

On motion of Mr. Jesernig, House Rule 26 was suspended.

MOTION

Mr. Grant moved that the House adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 6664. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 6664 as amended by Free Conference Committee.

Representatives Grant and Doty spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6664 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 81; nays, 16.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Bennett, Braddock, Brekke, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers H, Spanel, Sprengle, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 81.

Voting nay: Representatives Beck, Betrozoff, Bowman, Brumsickle, Ferguson, Fuhrman, Horn, Kirby, Nealey, Padden, Silver, Sommers D, Tate, Wolfe, Wood, Youngsman - 16.

Substitute Senate Bill No. 6664 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6417, and has granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 8, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6417, adopting the supplemental capital budget, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 6417, today's Journal, Afternoon Session.)

Signed by Senators Sellar, Warnø, Bluechel; Representatives H. Sommers, Rasmussen, Schoon.

With consent of the House, House Rule 26 was suspended.

MOTION

Ms. H. Sommers moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 6417. The motion was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6417 as amended by Free Conference Committee.

Representatives H. Sommers and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6417 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 82; nays, 15.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bennett, Berozoff, Bowman, Brekke, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Miller, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Ballard, Baugher, Beck, Braddock, Brough, Fuhrman, Horn, Kirby, May, McLean, Nealey, Padden, Rayburn, Tate, Wolfe - 15.

Engrossed Substitute Senate Bill No. 6417 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 90-4781, by Representatives Hargrove, Jones, Basich, Sayan, Raiter and Vekich

WHEREAS, Hoquiam is celebrating its Centennial Birthday on May 21, 1990; and

WHEREAS, Hoquiam's first century is highlighted by significant accomplishments and successes; and

WHEREAS, Hoquiam, in the native American Indian language, means "hungry for wood"; and

WHEREAS, Hoquiam has greatly contributed to the early economic development of the state in the areas of timber, forest products, fishing and shipbuilding; and

WHEREAS, Hoquiam has consistently developed leaders in education, sports, industry and humanities; and

WHEREAS, Hoquiam is the location of the famous 7th Street Theater; and

WHEREAS, Hoquiam has produced a Nobel Prize Winner in the field of Medicine; and

WHEREAS, Many of the residents of Hoquiam have given their lives for the preservation of our liberties; and

WHEREAS, Hoquiam's citizens embody the true spirit of patriotism and democracy; and

WHEREAS, Hoquiam is sponsoring a Celebration of the Century;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of Washington State, That the people of the State of Washington wish the citizens of Hoquiam a happy 100th birthday and a prosperous second century.

Mr. Hargrove moved adoption of the resolution.

Representatives Hargrove and Basich spoke in favor of the resolution.

House Floor Resolution No. 90-4781 was adopted.

HOUSE FLOOR RESOLUTION NO. 90-4758, by Representatives Vekich and Sayan

WHEREAS, Simpson Investment Company of Seattle was founded in Mason County in 1890 by S. G. Simpson with "50 men and 12 horses"; and

WHEREAS, Mark E. Reed, S. G. Simpson's son-in-law and President of the company from 1914 to 1933, served in the Washington State Legislature for sixteen years, including two years as Speaker of the House of Representatives; and

WHEREAS, Simpson Investment Company was one of the first Washington companies to begin growing timber as a crop; and

WHEREAS, Simpson employs 2,200 Washington citizens in five communities and has earned the reputation of having respect for its employees; and

WHEREAS, Simpson has benefitted the State of Washington and its communities for the last one hundred years by providing jobs, paying taxes and making numerous charitable contributions; and

WHEREAS, Simpson Investment Company is the parent company of Simpson Timber Company, Simpson Tacoma Kraft Company, Commencement Bay Mill Company and Pacific Western Extruded Plastics Company;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington congratulate Simpson Investment Company on its 1990 centennial celebration and its one hundred years of commitment and contribution to its communities and to the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Simpson Investment Company.

Mr. Vekich moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 90-4758 was adopted.

MOTION

On motion of Mr. Holland, Representative Miller was excused.

MESSAGES FROM THE SENATE

March 8, 1990

Mr. Speaker:

Under suspension of rules, the Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5450, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SENATE BILL NO. 6303, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 6306, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6649, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

Under suspension of rules, the Senate has adopted the report of the Free Conference Committee on SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212, and passed the resolution as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 3028 by Representatives Cole, Jacobsen, R. Fisher, Anderson, Prentice, Leonard, Fraser, Spanel and Valle

AN ACT Relating to travel promoters; amending RCW 19.138.010, 19.138.020, 19.138-.030, 19.138.040, 19.138.050, 19.138.060, and 19.138.080; adding new sections to chapter 19.138 RCW; repealing RCW 19.138.070; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 3029 by Representatives Cole and Brooks

AN ACT Relating to legend drugs; adding a new section to chapter 69.41 RCW; and creating a new section.

Referred to Committee on Health Care.

HJM 4037 by Representatives Padden, Ballard, Ebersole, P. King, May, Hargrove, D. Sommers, Tate and Walker

Inviting the American Legislative Exchange Council to hold its 1991 meeting in Seattle.

SCR 8440 by Senators Bluechel, Hayner and Vognild

Establishing a Leadership conference.

The Speaker (Mr. O'Brien presiding) referred the bills listed on today's introduction sheet under the fourth order of business to the committees so designated.

MOTION

On motion of Mr. Ebersole, the rules were suspended and House Joint Memorial No. 4037 was advanced to second reading.

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

SECOND READING

HOUSE JOINT MEMORIAL NO. 4037, by Representatives Padden, Ballard, Ebersole, P. King, May, Hargrove, D. Sommers, Tate and Walker

Inviting the American Legislative Exchange Council to hold its 1991 meeting in Seattle.

The memorial was read the second time. On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Mr. Padden spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4037, and the memorial passed the House by the following vote: Yeas, 90; nays, 6; excused, 1.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Sprenkle, Tate, Valle, Van Luvan, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Anderson, Cole, Dellwo, Phillips, Spanel, Todd - 6.

Excused: Representative Miller - 1.

House Joint Memorial No. 4037, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Mr. Ebersole, the rules were suspended and Senate Concurrent Resolution No. 8440 was advanced to second reading.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8440, by Senators Bluechel, Hayner and Vogild

Establishing a Leadership conference.

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

Representatives Ebersole and Brough spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Resolution No. 8440, and the resolution was adopted by following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Saryan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Miller - 1.

Senate Joint Resolution No. 8440, having received the constitutional majority, was declared adopted.

The Speaker assumed the Chair.

REPORT OF CONFERENCE COMMITTEE

March 8, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6501, creating a central filing system for security interests in farm crops, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

All previous amendments be rejected, and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The availability of credit is vital for agriculture. For that reason, the legislature has traditionally promoted the availability of agricultural credit. The legislature finds that lenders lack a uniformly effective means of providing notice of a lender's security interest in farm products to purchasers of the products. The legislature further finds that purchasers lack any practical method for discovering the existence of security interests in farm products.

Accordingly, it is the intent of the legislature to promote the development of a central filing system as provided in 7 U.S.C. Sec. 1631 and to encourage private businesses to provide for expeditious discovery of liens and security interests in farm products.

Sec. 2. Section 9-307, chapter 157, Laws of 1965 ex. sess. as last amended by section 15, chapter 393, Laws of 1987 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) A buyer who in the ordinary course of business buys farm products from a person engaged in farming operations buys and takes free of a security interest created by his or her seller, and a commission merchant or selling agent who in the ordinary course of business sells farm products for a person engaged in farming operations buys, takes, and sells free of a security interest created by his or her seller, even though the security interest is perfected and the buyer, commission merchant, or selling agent knows of the existence of such interest if:

(a) The buyer, commission merchant, or selling agent has registered with the department of licensing pursuant to RCW 62A.9-407(4); and

(i) The secured party has not filed an effective farm products notice statement with the department of licensing pursuant to RCW 62A.9-402(9); or

(ii) Such buyer, commission merchant, or selling agent does not receive from the department of licensing written notice that specifies the seller and farm product pursuant to RCW 62A.9-407(3), (5), and (6); or

(b) The secured party has not filed an effective farm products notice statement pursuant to RCW 62A.9-402(9) and the buyer, commission merchant, or selling agent has not received within one year before the sale from the secured party or seller written notice of the security interest containing:

(i) The name and address of the secured party;

(ii) The name and address of the debtor;

(iii) The social security number of the debtor or, in the case of a debtor doing business other than as an individual, the debtor's federal internal revenue service taxpayer identification number;

(iv) A description by category of the farm products subject to the security interest, including the amount of such products, if applicable;

(v) The crop year;

(vi) The county or counties where the farm products are produced or located and, if less than all of such farm products in a county are claimed, a reasonable description of the real property; and

(vii) Any payment obligations imposed by the secured party as a condition for waiver or release of the security interest;

The notice described in this subsection (b) must be amended in writing within three months and similarly signed and transmitted, to reflect material changes; or

(c) The buyer, commission merchant, or selling agent has obtained a waiver from the secured party by performing any payment obligation or otherwise.

(3) 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))~~ (4) 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.

Sec. 3. Section 9-402, chapter 157, Laws of 1965 ex. sess. as last amended by section 2, chapter 251, Laws of 1989 and RCW 62A.9-402 are each amended to read as follows:

(1) A financing statement is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of RCW 62A.9-103, or when the financing statement is filed as a fixture filing (RCW 62A.9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor if it is filed to perfect a security interest in

(a) collateral already subject to a security interest in another jurisdiction when it is brought into this state or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

- (b) proceeds under RCW 62A.9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or
- (c) collateral as to which the filing has lapsed; or
- (d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)).

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor)

Address

Name of secured party (or assignee)

Address

1. This financing statement covers the following types (or items) of property:

(Describe)

2. (If applicable) The above goods are to become fixtures on*

(Describe Real Estate)

and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is

*Where appropriate substitute either "The above timber is standing on

' or "The above minerals or the like (including oil and gas) or accounts will be financed at the wellhead or minehead of the well or mine located on

3. (If products of collateral are claimed)

Products of the collateral are also covered

(use

whichever Signature of Debtor (or Assignor)

is

applicable) Signature of Secured Party (or Assignee)

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party: PROVIDED, That a secured party may amend a financing statement without the signature of the debtor when the amendment is to change the address or name of the secured party. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this Article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments. The fee for filing an amendment shall be the same as the fee for filing a financing statement.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of RCW 62A.9-103, or a financing statement filed as a fixture filing (RCW 62A.9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of the real estate to give constructive notice of the mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, and (d) the mortgage is duly recorded. No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or the names of partners. Where the debtor so changes his name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing statement or an amendment is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

(9) Written notice of a security interest in farm products is sufficient for purposes of being filed in the system described in RCW 62A.9-407 (3) through (8) and shall, for purposes of such sections, be called an "effective farm products notice statement" if it contains the following information:

(a) The name and address of the debtor;

(b) The debtor's signature;

(c) The name, address, and signature of the secured party;

(d) The social security number of the debtor, or in the case of a debtor doing business other than as an individual, the debtor's federal internal revenue service taxpayer identification number;

(e) A description by category (as prescribed by rule pursuant to RCW 62A.9-407(3)) of the farm products subject to the security interest including the amount of such products if applicable;

(f) A reasonable description of the real estate where the farm products are produced or located. This provision may be satisfied by a designation of the county or counties, and a legal description shall not be required.

(10) An effective farm products notice statement described in subsection (9) of this section must be amended in writing within three months, and similarly signed and filed, to reflect any material changes.

(11) If a secured party fails to file a termination statement within ten days after proper demand for the statement, the secured party is liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by the failure.

(12) If a secured party has received a copy of a debtor's contract to sell the farm products subject to the security interest to a specific buyer, commission merchant, or selling agent, and the contract contains a request in ten-point bold-faced type that the buyer receive notice of the security interest, the secured party shall provide written notice as described in RCW 62A.9-307(2)(b) to the contracting buyer, commission merchant, or selling agent. If a secured party fails to give such notice to the contracting buyer, commission merchant, or selling agent within ten days following receipt of a copy of the contract, the secured party shall be liable to the debtor and to the buyer for one hundred dollars and in addition for any loss caused to the debtor or buyer by the failure.

Sec. 4. Section 9-407, chapter 157, Laws of 1965 ex. sess. as last amended by section 5, chapter 189, Laws of 1987 and RCW 62A.9-407 are each amended to read as follows:

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person following payment of the required fees, the department of licensing shall issue its certificate showing whether there is on file with the department of licensing on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. Upon request and following payment of the required fees, the department of licensing shall issue its certificate and shall furnish a copy of any filed financing statements or statements of assignment.

(3) The department of licensing shall develop and, following certification by the United States department of agriculture, implement a central filing system containing the information filed with it pursuant to RCW 62A.9-402(9). Under this system, the department shall record the date and time of filing and compile the information into a master list organized according to categories of farm products. The list shall be organized within each farm product category in alphabetical order according to the last name of the debtor (or, in the case of debtors doing business other than as individuals, the first word in the name of such debtor). The list shall be further organized according to and contain information required by federal law and regulation. The department shall, by rule adopted pursuant to chapter 34.05 RCW, designate the categories of farm products to be used in compiling the master list. The department may establish and maintain, by rule, a separate system for filing farm products notice statements and search, retrieval, and dissemination of information relating to effective farm products notice statements, and may require separate search requests for such information pursuant to a fee schedule to be established by rule.

(4) The department of licensing shall maintain a list of all buyers of farm products, commission merchants, selling agents, and other persons who register with the department indicating an interest in receiving the lists described in subsection (5) of this section.

(5) The department of licensing shall distribute complete master lists for each farm product category at least quarterly to each buyer, commission merchant, selling agent, and other person registered under subsection (4) of this section and distribute either complete lists or cumulative supplements, which supplements shall be issued not less frequently than twice monthly, of effective farm products notice statements filed subsequent to the last date of filing for effective farm products notice statements on the last preceding quarterly master list, which the buyer, commission merchant, or selling agent has requested. The buyer, commission merchant, or selling agent shall be deemed to have received the lists and supplements no later than the third calendar day following the date of mailing by the department or in the event the mail is not delivered on that day, the first day thereafter on which mail is delivered.

(6) Upon the request of any person not registered pursuant to RCW 62A.9-407(4), the department of licensing shall provide, within twenty-four hours, an oral confirmation of the filing of the notice described in RCW 62A.9-402(9) followed by a written confirmation.

(7) Upon request of any person and payment of such fees as may be established by the department by rule, the department shall furnish copies of particular filed effective farm products notice statements or statements of assignment if the requestor provides the department with the file numbers of the statement to be copied.

(8) Information provided under subsections (3) through (7) of this section shall be made available to the public through electronic data transmission, by facsimile, microfiche, photographic copy, telephone call followed by written confirmation, or by any other means the department determines to be efficient and cost-effective.

(9) The department of licensing shall establish a fee schedule by rule for registration and listing of buyers of farm products, commission merchants, and selling agents of farm products and for distribution of master lists and supplements of master lists and information and oral confirmation of filing as required by RCW 62A.9-407. The annual registration fee for buyers of farm products shall not exceed fifty dollars. Registrants shall receive by mail, without further fees, microfiche copies of the quarterly master lists and bimonthly supplements consisting of all effective farm products notice statement filings on all farm products state-wide. The fee for any other microfiche list shall not exceed twenty-five cents per microfiche. Registrants shall be entitled to remote computer access of the effective farm products notice statements data base without further fees other than long-distance telephone charges. The fee to be charged for a single certified search by the department shall not exceed ten dollars. The fee for a paper list of debtors shall not exceed thirty-five cents per page.

NEW SECTION, Sec. 5. All rules adopted under the provisions of this chapter are subject to the provisions of chapter 34.05 RCW concerning the adoption of rules. The department of licensing shall issue regulations requiring the master lists distributed to registrants to include a listing of statutory crop liens filed with the department.

NEW SECTION, Sec. 6. The central filing system program fund is created in the custody of the state treasurer. All receipts from the fees collected by the director under this chapter and RCW 62A.9-409(1) shall be deposited into the fund. Expenditures from the fund may be used only for the purposes of this act. Only the director of licensing or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION, Sec. 7. Sections 5 and 6 of this act are each added to chapter 62A.9 RCW.

NEW SECTION, Sec. 8. The sum of one hundred six thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the general fund to the department of licensing for the purposes of this act. The amount spent shall be repaid to the general fund before the end of the biennium ending June 30, 1993, from the fees imposed pursuant to section 4(9) of this act.

NEW SECTION, Sec. 9. This act shall take effect July 1, 1991. The director of licensing may immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

NEW SECTION, Sec. 10. This act may be cited as the Washington farm products central filing system act.

NEW SECTION, Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "crops;" strike the remainder of the title and insert "amending RCW 62A.9-307, 62A.9-402, and 62A.9-407; adding new sections to chapter 62A.9 RCW; creating new sections; prescribing penalties; making an appropriation; and providing an effective date."

Signed by Senators Hansen, Barr; Representatives Appelwick, Dellwo.

With consent of the House, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6501 was adopted and the committee was granted the powers of Free Conference.

REPORT OF FREE CONFERENCE COMMITTEE

March 8, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 6501, creating a central filing system for security interests in farm crops, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See above for Report of Conference Committee on Engrossed Substitute Senate Bill No. 6501.)

Signed by Senators Hansen, Barr; Representatives Appelwick, Dellwo.

MOTION

Mr. Appelwick moved that the House suspend House Rule 26.

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

Representatives Appelwick and May spoke in favor of the motion, and Mr. Nealey opposed it.

ROLL CALL

The Clerk called the roll on the motion by Representative Appelwick to suspend House Rule 26 for consideration of the Report of Free Conference Committee on Engrossed Substitute Senate Bill No. 6501, and the motion was carried by the following vote: Yeas, 74; nays, 19; absent, 3; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Bennett, Betzoff, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hargrove, Hine, Holland, Horn, Inslee, Jesernig, Jones, King P, King R, Kremen, Leonard, May, McLean, Meyers R, Morris, Myers H, Nelson, Nutley, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 74.

Voting nay: Representatives Ballard, Baugher, Bowman, Brooks, Brough, Brumsickle, Fuhrman, Hankins, Haugen, Heavey, Kirby, Moyer, Nealey, Padden, Rayburn, Smith, Sommers D, Wolfe, Youngsman - 19.

Absent: Representatives Jacobsen, Locke, O'Brien - 3.

Excused: Representative Miller - 1.

MOTION

Mr. Appelwick moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 6501. The motion was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 6501 as amended by Free Conference Committee.

Representatives Appelwick and May spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6501 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 79; nays, 17; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Beck, Belcher, Bennett, Betzoff, Braddock, Brekke, Brough, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Silver, Sommers D, Sommers H, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 79.

Voting nay: Representatives Basich, Bowman, Brooks, Brumsickle, Day, Fuhrman, Grant, Haugen, Kirby, McLean, Nealey, Rayburn, Scott, Smith, Spanel, Wolfe, Youngsman - 17.

Excused: Representative Miller - 1.

Engrossed Substitute Senate Bill No. 6501 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGES FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has passed:

HOUSE JOINT MEMORIAL NO. 4037.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5545, and has passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6417, and has passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the the Conference Committee on SUBSTITUTION SENATE BILL NO. 6664, and has granted said committee the powers of Free Conference.

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the Second Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2888, and has granted said committee the powers of Free Conference. The Second Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SECOND REPORT OF CONFERENCE COMMITTEE

March 8, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED HOUSE BILL NO. 2888, establishing a new child support schedule, have had the same under consideration and report that we are unable to agree, and we respectfully request the powers of Free Conference in order to amend the measure as follows:

The Senate Committee on Law & Justice amendments adopted as amended on February 27, 1990 be rejected (For amendments, see Journal, 55th Day, March 3, 1990), and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 10, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 375, Laws of 1989 and RCW 26.09.100 are each amended to read as follows:

In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court (~~may~~) shall order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined (~~pursuant to the schedule adopted~~) under chapter 26.19 RCW (~~26.19.040~~). The court may require periodic adjustments of support. The adjustment provision may be modified by the court due to economic hardship.

Sec. 2. Section 17, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 416, Laws of 1989 and RCW 26.09.170 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and, except as otherwise provided in subsections (4) (~~or~~), (5), and (8) of this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(d) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

(5) An order or decree entered prior to June 7, 1984, may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require health insurance coverage for a child named therein; or

(b) Modify an existing order for health insurance coverage.

(6) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department of social and health services may file an action to modify an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is twenty-five percent or more below the appropriate child support amount set forth in the ~~((adopted child support schedule))~~ standard calculation as defined in section 4(6) of this act and reasons for the deviation are not set forth in the findings of fact or order. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order.

(8) (a) Except as provided in (b) and (c) of this subsection, all child support decrees may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances. Either party may initiate the modification pursuant to procedures of RCW 26.09.175.

(b) Parents whose decrees are entered before the effective date of this act may petition the court for a modification after twelve months has expired from the entry of the decree or the most recent modification setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to (a) of this subsection.

(c) A party may petition for modification in cases of substantially changed circumstances, under subsection (1) of this section, at any time. However, if relief is granted under subsection (1) of this section, twenty-four months must pass before a petition for modification under (a) of this subsection may be filed.

(d) If, pursuant to (a) of this subsection, the court modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under (a) of this subsection may be filed.

(e) A parent who is receiving transfer payments who receives a wage or salary increase may not bring a modification action pursuant to (a) of this subsection alleging that increase constitutes a substantial change of circumstances under subsection (1) of this section.

Sec. 3. Section 2, chapter 430, Laws of 1987 and RCW 26.09.175 are each amended to read as follows:

(1) A proceeding for the modification of an order of child support shall commence with the filing of a petition ~~((and))~~, a supporting financial affidavit, and worksheets. The petition and affidavit shall be in substantially the form prescribed by the administrator for the courts. There shall be a fee of twenty dollars for the filing of a petition for modification of dissolution.

(2) The petitioner shall serve upon the other party the summons, a copy of the petition and affidavit, and a blank copy of a financial affidavit and the worksheets in the form prescribed by the administrator for the courts. If the modification proceeding is the first action filed in this state, service shall be made by personal service. If the decree to be modified was entered in this state, service shall be by personal service or by any form of mail requiring a return receipt. If the support obligation has been assigned to the state pursuant to RCW 74.20.330 and notice has been filed with the court, the summons, petition, ~~((and))~~ affidavit, and worksheets shall also be served on the ~~((office of support enforcement))~~ attorney general. Proof of service shall be filed with the court.

(3) The responding party's answer and completed financial affidavit and worksheets shall be served and the answer filed within twenty days after service of the petition or sixty days if served out of state. The responding party's failure to file an answer within the time required shall result in entry of a default judgment for the petitioner.

(4) At any time after responsive pleadings are filed, either party may schedule the matter for hearing.

(5) Unless both parties stipulate to arbitration or the presiding judge authorizes oral testimony pursuant to subsection (6) of this section, a petition for modification of an order of child support shall be heard by the court on affidavits only.

(6) A party seeking authority to present oral testimony on the petition to modify a support order shall file an appropriate motion not later than ten days after the time of notice of hearing. Affidavits and exhibits setting forth the reasons oral testimony is necessary to a just adjudication of the issues shall accompany the petition. The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include, but are not limited to: (a) Substantial questions of credibility on a major issue; (b) Insufficient or inconsistent discovery materials not correctable by further discovery; or (c) particularly complex circumstances requiring expert testimony.

(7) The administrator for the courts shall develop and prepare, in consultation with interested persons, model forms or notices for the use of the procedure provided by this section, including a notice advising of the right of a party to proceed with or without benefit of counsel.

Sec. 4. Section 2, chapter 275, Laws of 1988 and RCW 26.19.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) ~~“(Child support schedule” means the standards and economic table adopted by the commission;~~

~~(2) “Standards” means the standards for determination of child support which have been adopted by the commission, as modified by the legislature;~~

~~(3) “Economic table” means the child support table for the basic support obligation which has been adopted by the child support commission effective July 1, 1989, except it does not include the references in that table to ‘standards’;~~

~~((4)) (2) “Worksheets” means the forms ~~(adopted)~~ developed by the ~~(commission)~~ administrator for the courts for use in determining the amount of child support;~~

~~((5)) (3) “Instructions” means the instructions ~~(adopted)~~ developed by the ~~(commission)~~ administrator for the courts for use in completing the worksheets;~~

~~((6)) (4) “Commission” means the Washington state child support schedule commission established by RCW 26.19.030; and~~

~~((7)) (5) “Basic child support obligation” means the monthly obligation determined from the economic table based on the parties combined monthly net income.~~

~~(6) “Standard calculation” means the amount of child support which is owed as determined from the worksheets before any deviation is considered.~~

~~(7) “Transfer payment” means the court ordered amount one parent is obligated to pay to the other parent for child support.~~

Sec. 5. Section 6, chapter 275, Laws of 1988 and RCW 26.19.050 are each amended to read as follows:

(1) The ~~(commission)~~ administrator for the courts shall develop and adopt worksheets and instructions to assist the parties and courts in establishing the appropriate child support level and apportionment of support. The ~~(commission)~~ administrator for the courts shall attempt to the greatest extent possible to make the worksheets and instructions understandable by persons who are not represented by legal counsel.

(2) The administrator for the courts ~~(-in consultation with the commission;)~~ shall develop and adopt standards for the printing of worksheets and shall establish a process for certifying printed worksheets. ~~(The administrator shall not alter the design approved by the commission;)~~ The administrator may maintain a register of sources for approved worksheets.

~~(3) The administrator for the courts should explore methods to assist pro se parties and judges in the courtroom to calculate support payments through automated software, equipment, or personal assistance.~~

NEW SECTION. Sec. 6. A new section is added to chapter 26.19 RCW to read as follows:

(1) In any proceeding under this title or Title 13 or 74 RCW in which child support is at issue, support shall be determined and ordered according to this chapter. The provisions of this chapter for determining child support and reasons for deviation therefrom shall be applied in the same manner by the court, presiding officers, and reviewing officers. References to the court also incorporates the presiding and reviewing officers who administratively determine or enforce child support orders.

(2) An order for child support shall be supported by written findings of fact upon which the support determination is based and shall include reasons for any deviation from the standard calculation.

(3) All income and resources of each parent's household shall be disclosed and shall be considered by the court when the child support obligation of each parent is determined. Tax returns for the preceding three years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(4) Worksheets in the form developed by the administrator for the courts shall be completed under penalty of perjury and filed in every proceeding in which child support is determined. The court shall not accept incomplete worksheets or worksheets that vary from the worksheets developed by the administrator for the courts.

(5) Unless specific reasons for deviation are set forth in the written findings of fact or order and are supported by the evidence, the court shall order each parent to pay the amount of child support determined using the standard calculation.

(6) The court shall review the worksheets and the order for adequacy of the reasons set forth for any deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. The worksheet on which the order is based shall be initialed or signed by the judge and filed with the order.

NEW SECTION, Sec. 7. A new section is added to chapter 26.19 RCW to read as follows:

(1) The basic child support obligation derived from the economic table shall be allocated between the parents based on each parent's share of the combined monthly net income.

(2) Ordinary health care expenses are included in the economic table. Monthly health care expenses that exceed five percent of the basic support obligation shall be considered extraordinary health care expenses. Extraordinary health care expenses shall be shared by the parents in the same proportion as the basic child support obligation.

(3) Day care and special child rearing expenses, such as tuition and long-distance transportation costs to and from the parents for visitation purposes, are not included in the economic table. These expenses shall be shared by the parents in the same proportion as the basic child support obligation.

(4) The court may exercise its discretion to determine the necessity for and the reasonableness of all amounts ordered in excess the basic child support obligation.

NEW SECTION, Sec. 8. A new section is added to chapter 26.19 RCW to read as follows:

(1) Except as otherwise provided in this section, monthly gross income for child support purposes shall include income from any source, including: Salaries, wages, commissions, deferred compensation, bonuses, mandatory overtime, dividends, interest, trust income, severance pay, annuities, capital gains, pension retirement benefits, social security retirement benefits, workers' compensation, unemployment benefits, and spousal maintenance that is actually received.

(2) Monthly gross income for the preceding year for child support purposes shall include income from voluntary overtime pay above one hundred sixty-eight hours per month, income from employment in excess of forty hours per week to the extent derived from a second job, nonrecurring bonuses, contract-related cash benefits, gifts, and prizes, except to the extent that income from those sources exceeds the average income from those sources for the second and third years preceding the commencement of the action under chapter 26.09, 26.10, or 26.26 RCW.

(3) The court shall deduct the following from gross income: Federal and state income taxes, federal insurance contributions act deductions, mandatory pension plan payments, mandatory union or professional dues, court-ordered spousal maintenance to the extent actually paid, up to two thousand dollars per year in voluntary pension payments actually made if the contributions were made for the three consecutive years prior to the filing of the dissolution, and court-ordered payments of child support for children from other relationships to the extent actually paid. All items excluded from income shall be disclosed in the worksheet.

(4) The court may deduct normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

(5) The following resources shall be disclosed, shall not be included in gross income, and shall not be reason to deviate from the standard calculation: Aid to families with dependent children, supplemental security income, general assistance, veterans aid and attendance allowance, and food stamps.

(6) The following income shall be disclosed, shall not be included in gross income, but may be a reason to deviate from the standard calculation:

- (a) Income of a new spouse or income of other adults in the household;
- (b) Child support received from other relationships; and
- (c) Income excluded from subsection 2 of this section.

(7) (a) Children from relationships other than the relationship of the parties before the court shall not be counted for determining the number of children in the family for purposes of calculating the basic support obligation. The court may not consider, for purposes of deviation in calculating the amount of child support payable, any children for whom the court has allowed a deduction from gross income for court-ordered child support payments.

(b) The court may consider deviating from the presumptive basic support obligation when there are children from other relationships and the court has not allowed a deduction from gross income for payments of child support for those children pursuant to subsection (3) of this section. Deviations under this section from the presumptive basic support obligation due shall be based on consideration of the total circumstances of both households.

(8) The court shall consider the residential schedule and may deviate from the standard calculation if the child spends a substantial amount of time with the parent who is obligated to make the transfer payment. The court shall not use this subsection to restrict either parent's contact or visitation with the child or children.

Absent agreement between the parents, the parent seeking the adjustment based on contact with the child shall have the burden to show by a preponderance of the evidence the requested adjustment is consistent with the parent's actual past involvement with the child. The support payment should not be reduced if the reduction will result in insufficient funds in the house receiving the support to meet the basic needs of the child or the child is receiving aid to families with dependent children payments.

(9) Additional reasons that may support a deviation from the standard calculation include: Possession of wealth, shared living arrangements, extraordinary debts that have not been voluntarily incurred, extraordinarily high income of a child, a significant disparity of the living costs of the parents due to conditions beyond their control, and special needs of disabled children. A deviation may be supported by tax planning considerations only if the child would not receive a lesser economic benefit as a result of the tax planning.

(10) The court shall enter findings which specify reasons for any deviations from the standard calculation made by the court.

(11) Agreement of the parties is not by itself adequate reason for deviation from the standard calculation.

(12) Neither parent's total child support obligation shall exceed fifty percent of net income unless good cause is shown. Good cause may include possession of substantial wealth, children with day care expenses, special medical, educational, psychological needs, and larger families.

(13) The court shall impute income to a parent when the parent is voluntarily underemployed or voluntarily unemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history. A parent shall not be deemed voluntarily underemployed as long as that parent is gainfully employed on a full-time basis. Income shall not be imputed for an unemployable parent.

NEW SECTION, Sec. 9. A new section is added to chapter 26.19 RCW to read as follows:

The child support schedule shall be advisory and not mandatory for postsecondary educational support. When considering whether to order support for postsecondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together. The child must be enrolled in school, actively pursuing a course of study, and in good academic standing as defined by the institution or the court-ordered postsecondary educational support may be automatically suspended during the period or periods the child fails to comply with these conditions. The court in its discretion may order that the payment be made directly to the parent who has been receiving the transfer payments, to the educational institution if feasible, or to the child. The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities.

NEW SECTION, Sec. 10. A new section is added to chapter 26.19 RCW to read as follows:

The parties may agree which parent is entitled to claim the child or children as dependents for federal income tax exemptions. The court may award the exemption or exemptions and order a party to sign the federal income tax dependency exemption waiver. The court may divide the exemptions between the parties, alternate the exemptions between the parties, or both.

NEW SECTION, Sec. 11. A new section is added to chapter 26.19 RCW to read as follows:

(1) When combined monthly net income is less than six hundred dollars, a support order not less than twenty-five dollars per month shall be entered for each parent, regardless of the number of children. A parent's child support obligation shall not reduce his or her net income below the need standard for one person promulgated pursuant to RCW 74.04.770, except for the mandatory minimum payment of twenty-five dollars per month as required by this subsection or in cases where the court finds reasons for deviation under section 8(8) of this act. This section shall not be construed to require monthly substantiation of income.

(2) The presumptive basic support obligation shall be determined upon the combined monthly net income of the parents up to a cap of five thousand dollars combined net income per month. The table is not presumptive but advisory only for combined monthly net incomes above five thousand dollars.

NEW SECTION, Sec. 12. A new section is added to chapter 26.19 RCW to read as follows:

(1) When combined monthly net income exceeds the highest combined monthly net income for which a presumptive amount of support is established, child support shall not be set at a level lower than that amount from the table but the court has discretion to establish support at higher levels upon written finding of fact.

(2) The provisions of this chapter shall apply to adult children who are dependent on their parents and for whom support is ordered pursuant to RCW 26.09.100.

Sec. 13. Section 2407, Code of 1881 as amended by section 1, chapter 207, Laws of 1969 ex. sess. and RCW 26.16.205 are each amended to read as follows:

The expenses of the family and the education of the children, including stepchildren, are chargeable upon the property of both husband and wife, or either of them, and ~~((in relation thereto))~~ they may be sued jointly or separately. ~~((PROVIDED, That with regard to stepchildren, the obligation shall cease upon the termination of the relationship of husband and wife)).~~ When a petition for dissolution of marriage or a petition for legal separation is filed, the court may, upon motion of the stepparent, terminate the obligation to support the stepchildren. The obligation to support stepchildren shall cease upon the entry of a decree of dissolution, decree of legal separation, or death.

NEW SECTION. Sec. 14. A new section is added to chapter 26.19 RCW to read as follows:

(1) Day care, extraordinary health care, long-distance transportation costs, and special child-rearing expenses such as tuition are not included in the basic support obligation for each child. These expenses shall be shared by the parents in the same proportion as the basic child support obligation and may be listed as a specific dollar amount or as a percentage amount subject to the verification requirements pursuant to subsection (2) of this section.

(2) (a) If a sum certain is established for day care and is set forth in the decree, the parent making the transfer payment is entitled to proof of the amount paid for day care. The parent making the transfer payment is responsible for the appropriate percentage of the actual amount paid, not to exceed the proper share of the amount as set forth in the decree. The transfer payment for day care must be made in advance if the day care amount is set forth in the decree or is a regularly paid amount in a sum certain. If an amount is not specified in the decree or a regular sum certain, reimbursement of day care expenses shall be treated in the same manner as reimbursement for transportation costs, extraordinary health care, and other extraordinary expenses.

(b) For transportation costs, extraordinary health care costs, and other extraordinary expenses of the children specified in the decree, the parent paying these expenses shall be entitled to prompt reimbursement of the other parent's share of those expenses. Proof of the expenditure shall be furnished to the parent from whom reimbursement is sought. Reimbursement must be made promptly but not later than thirty days of receipt of proof of payment of these expenditures.

(3) (a) If reimbursement is not made within the thirty-day period or is incomplete due to a nonsufficient fund check or other failure to pay, the parent seeking reimbursement may by motion obtain an order compelling payment with statutory interest. If a parent requests proof of payment and it is not provided within thirty days the party may move to compel production of the documents. The court shall award actual court costs and reasonable attorneys' fees to the prevailing party in every motion filed under this section except upon a showing of good cause for nonpayment.

(b) Wage assignment orders may be obtained pursuant to chapter 26.18 RCW to collect court-ordered basic child support, day care, extraordinary health care, long-distance transportation costs, or other extraordinary expenses, attorneys' fees, court costs, or any other item ordered by the court. A parent to whom basic child support, day care, extraordinary health care, long-distance transportation costs, or other extraordinary expenses are to be paid based on a percentage share of the costs, may by motion obtain a court order reducing the amounts owed to a sum certain and then enforce collection of that amount by a wage assignment order.

Sec. 15. Section 2, chapter 164, Laws of 1971 ex. sess. as last amended by section 1, chapter 55, Laws of 1989 and by section 151, chapter 175, Laws of 1989 and RCW 74.20A.020 are each reenacted and amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter and chapter 74.20 RCW shall have the following meanings:

(1) 'Department' means the state department of social and health services.

(2) 'Secretary' means the secretary of the department of social and health services, his designee or authorized representative.

(3) 'Dependent child' means any person:

(a) Under the age of eighteen who is not self-supporting, married, or a member of the armed forces of the United States; or

(b) Over the age of eighteen for whom a court order for support exists.

(4) 'Support obligation' means the obligation to provide for the necessary care, support, and maintenance, including medical expenses, of a dependent child or other person as required by statutes and the common law of this or another state.

(5) 'Superior court order' means any judgment, decree, or order of the superior court of the state of Washington, or a court of comparable jurisdiction of another state, establishing the existence of a support obligation and ordering payment of a set or determinable amount of support moneys to satisfy the support obligation. For purposes of RCW 74.20A.055, orders for support which were entered under the uniform reciprocal enforcement of support act by a state where the responsible parent no longer resides shall not preclude the department from establishing an amount to be paid as current and future support.

(6) 'Administrative order' means any determination, finding, decree, or order for support pursuant to RCW 74.20A.055, or by an agency of another state pursuant to a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support moneys to satisfy the support obligation.

(7) 'Responsible parent' means a natural parent, adoptive parent, or stepparent of a dependent child or a person who has signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics.

(8) 'Stepparent' means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist ~~((and continue))~~ until terminated as provided for in RCW 26.16.205 ~~((until the relationship is terminated by death or dissolution of marriage))~~.

(9) 'Support moneys' means any moneys or in-kind providings paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.

(10) 'Support debt' means any delinquent amount of support moneys which is due, owing, and unpaid under a superior court order or an administrative order, a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including medical expenses, of a dependent child or other person for whom a support obligation is owed; or a debt under RCW 74.20A.100 or 74.20A.270. Support debt also includes any accrued interest, fees, or penalties charged on a support debt, and attorneys fees and other costs of litigation awarded in an action to establish and enforce a support obligation or debt.

(11) 'State' means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the commonwealth of Puerto Rico.

Sec. 16. Section 24, chapter 460, Laws of 1987 as amended by section 18, chapter 375, Laws of 1989 and RCW 26.09.909 are each amended to read as follows:

(1) Decrees under this chapter involving child custody, visitation, or child support entered in actions commenced prior to January 1, 1988, shall be deemed to be parenting plans for purposes of this chapter.

(2) The enactment of the 1987 revisions to this chapter does not constitute substantially changed circumstances for the purposes of modifying decrees entered under this chapter in actions commenced prior to January 1, 1988, involving child custody, visitation, or child support. ~~((An))~~ Any action to modify any decree involving child custody, visitation, child support, or a parenting plan ~~((which was commenced after December 31, 1987;))~~ shall be governed by the ~~((1987 revisions to))~~ provisions of this chapter.

(3) Actions brought for clarification or interpretation of decrees entered under this chapter in actions commenced prior to January 1, 1988, shall be determined under the law in effect immediately prior to January 1, 1988.

NEW SECTION. Sec. 17. A new section is added to chapter 26.18 RCW to read as follows:

(1) When the department of labor and industries or a self-insurer pays compensation under chapter 51.32 RCW on behalf of or on account of the child or children of the injured worker for whom the injured worker owes a duty of child support, the amount of compensation the department or self-insurer pays on behalf of the child or children shall be treated for all purposes as if the injured worker paid the compensation toward satisfaction of the injured worker's child support obligations.

(2) When the social security administration pays social security disability dependency benefits on behalf of or on account of the child or children of the disabled person, the amount of compensation paid for the children shall be treated for all purposes as if the disabled person paid the compensation toward satisfaction of the disabled person's child support obligation.

(3) Under no circumstances shall the person who has the obligation to make the transfer payment have a right to reimbursement of any compensation paid under subsection (1) or (2) of this section.

Sec. 18. Section 17, chapter 460, Laws of 1987 and RCW 26.09.225 are each amended to read as follows:

Each parent shall have full and equal access to the education and ~~((medical))~~ health care records of the child absent a court order to the contrary.

Sec. 19. Section 3, chapter 275, Laws of 1988 as amended by section 76, chapter 175, Laws of 1989 and RCW 26.19.020 are each amended to read as follows:

~~((H(a) Except as provided in (b) of this subsection, in any proceeding under this title or Title 13 or 74 RCW in which child support is at issue, support shall be determined and ordered according to the child support schedule adopted pursuant to RCW 26.19.040:~~

(b))) If approved by a majority vote of the superior court judges of a county, the superior court may adopt by local court rule an economic table that shall be used by the superior court of that county, instead of the economic table adopted by the commission, to determine the appropriate amount of child support. The economic table adopted by the superior court shall not vary by more than twenty-five percent from the economic table adopted by the commission and shall not vary the economic table for combined monthly net income of two thousand five hundred dollars or less.

((2) An order for child support shall be supported by written findings of fact upon which the support determination is based:

(3) All income and resources of each parent's household shall be disclosed and shall be considered by the court or the presiding or reviewing officer when the child support obligation of each parent is determined:

(4) Worksheets in the form approved by the commission shall be completed and filed in every proceeding in which child support is determined. Variations of the worksheets shall not be accepted:

(5) Unless specific reasons for deviation are set forth in the written findings of fact or order and are supported by the evidence, the court or the presiding or reviewing officer shall order each parent to pay the amount of child support determined using the standard calculation:

(6) The court or the presiding or reviewing officer shall review the worksheets and the order for adequacy of the reasons set forth for any deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. Reasons that may support a deviation from the standard calculation include: Possession of wealth, shared living arrangements, extraordinary debts that have not been voluntarily incurred, extraordinary high income of a child, a significant disparity of the living costs of the parents due to conditions beyond their control, and special needs of disabled children. A deviation may be supported by tax planning considerations only if the child would not receive a lesser economic benefit. Agreement of the parties, by itself, is not adequate reason for deviation:))

Sec. 20, Section 2, chapter 440, Laws of 1987 as amended by section 5, chapter 275, Laws of 1988 and RCW 26.19.040 are each amended to read as follows:

((1)) The ((schedule proposed by the commission in its report dated January 26, 1988:)) economic table as defined in section 4 of this act shall take effect July 1, ((1988)) 1990. The ((schedule)) economic table shall remain in effect until revised ((under this section. The commission shall review the schedule and propose changes as needed each even-numbered year:

(2) The commission shall review the schedule and recommended revisions based upon:

(a) Updated economic data which accurately reflects family spending and child rearing costs for families of different sizes and income levels in the state of Washington;

(b) Appropriate adjustments for significant changes in child rearing costs at different age levels;

(c) The need for funding of the child's primary residence by a payment which is sufficient to meet the basic needs of the child;

(d) Provisions for health care coverage and, when needed, child care payments; and

(e) The support amount shall be based on the child's age, the parent's combined income, and the family size. Family size shall mean all children for whom support is to be established:

(3) The commission shall establish standards for applying the child support schedule. Included in these standards shall be:

(a) The type, net or gross, and sources of income on which support amounts shall be based;

(b) Provisions for taking into account the voluntary unemployment or underemployment of one or both parents or if the income of a parent is not known; and

(c) Provisions for taking into account a parent whose income varies;

(4) Any proposed revisions to the schedule shall be submitted to the legislature no later than November 1st of each even-numbered year:

(5) If the commission fails to propose revisions to the schedule, the existing schedule shall remain in effect, unless the legislature refers the schedule to the commission for modification or adopts a different schedule. If the schedule is referred to the commission for modification, the provisions of subsection (7) of this section shall be applicable:

(6) The legislature may adopt the proposed schedule or refer the proposed schedule to the commission for modification. If the legislature fails to adopt or refer the proposed schedule to the commission by March 1 of the following year, the proposed schedule shall take effect without legislative approval on July 1 of that year:

(7) If the legislature refers the proposed schedule to the commission for modification on or before March 1st, the commission shall resubmit the proposed modifications to the legislature no later than March 15th. The legislature may adopt or modify the resubmitted proposed schedule. If the legislature fails to adopt or modify the resubmitted proposed schedule by April 1, the resubmitted proposed schedule shall take effect without legislative approval on July 1 of that year)) by the legislature.

Sec. 21. Section 25, chapter 183, Laws of 1973 1st ex. sess. as last amended by section 152, chapter 175, Laws of 1989 and RCW 74.20A.055 are each amended to read as follows:

(1) The secretary may, in the absence of a superior court order, serve on the responsible parent or parents a notice and finding of financial responsibility requiring a responsible parent or parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future for such period of time as the child or children of said responsible parent or parents are in need. The hearing shall be held pursuant to RCW 74.20A.055, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. Any responsible parent who objects to all or any part of the notice and finding shall have the right for not more than twenty days from the date of service to file an application for an adjudicative proceeding. The application shall be served upon the department by registered or certified mail or personally. If no such application is made, the notice and finding of responsibility shall become final, and the debt created therein shall be subject to collection action as authorized under this chapter. If a timely application is made, the execution of notice and finding of responsibility shall be stayed pending the entry of the final administrative order. If no timely written application has previously been made, the responsible parent may petition the secretary or the secretary's designee at any time for an adjudicative proceeding as provided for in this section upon a showing of good cause for the failure to make a timely application. The filing of the petition for an adjudicative proceeding after the twenty-day period shall not affect any collection action previously taken under this chapter. The granting of an application after the twenty-day period operates as a stay on any future collection action, pending entry of the final administrative order. Moneys withheld as a result of collection action in effect at the time of the granting of the application after the twenty-day period shall be delivered to the department and shall be held in trust by the department pending entry of the final administrative order. The department may petition the presiding or reviewing officer to set temporary current and future support to be paid beginning with the month in which the application after the twenty-day period is granted. The presiding or reviewing officer shall order payment of temporary current and future support if appropriate in an amount determined pursuant to the child support schedule adopted under RCW 26.19.040. In the event the responsible parent does not make payment of the temporary current and future support as ordered by the presiding or reviewing officer, the department may take collection action pursuant to chapter 74.20A RCW during the pendency of the adjudicative proceeding or thereafter to collect any amounts owing under the order. Temporary current and future support paid, or collected, during the pendency of the adjudicative proceeding shall be disbursed to the custodial parent or as otherwise appropriate when received by the department. If the final administrative order is that the department has collected from the responsible parent other than temporary current or future support, an amount greater than such parent's past support debt, the department shall promptly refund any such excess amount to such parent.

(3) Hearings may be held in the county of residence or other place convenient to the responsible parent. The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future for such period of time as the child or children of the responsible parent are in need, all computable on the basis of the need alleged. The notice and finding shall also include a statement of the name of the recipient or custodian and the name of the child or children for whom need is alleged; and/or a statement of the amount of periodic future support payments as to which financial responsibility is alleged.

(4) The notice and finding shall include a statement that the responsible parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why said responsible parent should not be determined to be liable for any or all of the debt, past and future.

The notice and finding shall include a statement that, if the responsible parent fails in timely fashion to file an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt shall be subject to collection action; a statement that the property of the debtor, without further advance

notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule adopted under RCW 26.19.040 in making these determinations, the presiding or reviewing officer shall comply with ~~(RCW 26.19.020 (4), (5), and (6))~~ the provisions set forth in chapter 26.19 RCW.

If the responsible parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an initial decision and order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action.

(6) The final order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order: PROVIDED, That in the absence of a superior court order, either the responsible parent or the department may petition the secretary or his designee for issuance of an order to appear and show cause based on a showing of good cause and material change of circumstances, to require the other party to appear and show cause why the order previously entered should not be prospectively modified. Said order to appear and show cause together with a copy of the petition and affidavit upon which the order is based shall be served in the manner of a summons in a civil action or by certified mail, return receipt requested, on the other party by the petitioning party. Prospective modification may be ordered, but only upon a showing of good cause and material change of circumstances.

(7) The presiding or reviewing officer shall order support payments under the child support schedule adopted under RCW 26.19.040.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) 'Need' as used in this section shall mean the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children. The amount determined by reference to the child support schedule adopted under RCW 26.19.040, shall be a rebuttable presumption of the alleged responsible parent's ability to pay and the need of the family: PROVIDED, That such responsible parent shall be presumed to have no ability to pay child support under this chapter from any income received from aid to families with dependent children, supplemental security income, or continuing general assistance.

NEW SECTION, Sec. 22. (1) The administrator for the courts shall develop a child support order summary report form to provide for the reporting of summary information in every case in which a child support order is entered or modified either judicially or administratively. The administrator for the courts shall attempt to the greatest extent possible to make the form simple and understandable by the parties. The form shall indicate the following:

- (a) The county in which the order was entered and the cause number;
- (b) Whether it was a judicial or administrative order;
- (c) Whether the order is an original order or from a modification;
- (d) The number of children of the parties and the children's ages;
- (e) The combined monthly net income of parties;
- (f) The monthly net income of the father as determined by the court;
- (g) The monthly net income of the mother as determined by the court;
- (h) The basic child support obligation for each child as determined from the economic table;
- (i) Whether or not the court deviated from the child support for each child;
- (j) The reason or reasons stated by the court for the deviation;
- (k) The amount of child support after the deviation:
 - (l) Any amount awarded for day care;
 - (m) Any other extraordinary amounts in the order;
 - (n) Any amount ordered for postsecondary education;
 - (o) The total amount of support ordered;
 - (p) In the case of a modification, the amount of support in the previous order;
 - (q) If the change in support was in excess of thirty percent, whether the change was phased in;
 - (r) The amount of the transfer payment ordered;
 - (s) Which parent was ordered to make the transfer payment; and
 - (t) The date of the entry of the order.

(2) The administrator for the courts shall make the form available to the parties.

NEW SECTION, Sec. 23. A new section is added to chapter 26.09 RCW to read as follows:

The party seeking the establishment or modification of a child support order shall file with the clerk of the court the child support order summary report. The summary report shall be on the form developed by the administrator for the courts pursuant to section 22 of this act. The party must complete the form and file the form with the court order. The clerk of the court must forward the form to the administrator for the courts on at least a monthly basis.

NEW SECTION. Sec. 24. A new section is added to chapter 26.10 RCW to read as follows:

The party seeking the establishment or modification of a child support order shall file with the clerk of the court the child support order summary report. The summary report shall be on the form developed by the administrator for the courts pursuant to section 22 of this act. The party must complete the form and file the form with the court order. The clerk of the court must forward the form to the administrator for the courts on at least a monthly basis.

NEW SECTION. Sec. 25. The administrator for the courts shall develop not later than July 1, 1991, standard court forms for mandatory use by litigants in all actions commenced under chapters 26.09, 26.10, and 26.26 RCW effective January 1, 1992.

NEW SECTION. Sec. 26. A new section is added to chapter 26.09 RCW to read as follows:

Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION. Sec. 27. A new section is added to chapter 26.10 RCW to read as follows:

Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION. Sec. 28. A new section is added to chapter 26.26 RCW to read as follows:

Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION. Sec. 29. Section 1, chapter 440, Laws of 1987, section 4, chapter 275, Laws of 1988, section 41, chapter 360, Laws of 1989 and RCW 26.19.030 are each repealed.

NEW SECTION. Sec. 30. (1) Sections 5 and 22 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) The remainder of this act shall take effect July 1, 1990.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "support," strike the remainder of the title and insert "amending RCW 26.09.100, 26.09.170, 26.09.175, 26.19.010, 26.19.050, 26.16.205, 26.09.909, 26.09.225, 26.19.020, 26.19.040, and 74.20A.055; reenacting and amending RCW 74.20A.020; adding new sections to chapter 26.19 RCW; adding a new section to chapter 26.18 RCW; adding new sections to chapter 26.09 RCW; adding new sections to chapter 26.10 RCW; adding a new section to chapter 26.26 RCW; creating new sections; repealing RCW 26.19.030; providing an effective date; and declaring an emergency."

Signed by Senators Nelson, Hayner; Representatives Appelwick, Padden.

MOTION

On motion of Mr. Jesernig, the Second Report of the Conference Committee on Engrossed House Bill No. 2888 was adopted and the committee was granted the powers of Free Conference.

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

MOTION

On motion of Mr. Heavey, Committee on Rules was relieved of Substitute Senate Concurrent Resolution No. 8429, and the resolution was placed on second reading.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429, by Committee on Children & Family Services (originally sponsored by Senators Smith, Vogniud, Bailey, Stratton and Conner)

Creating the Washington State Adoption Commission.

The resolution was read the second time.

On motion of Ms. Hine, the following amendment was adopted:

On page 2, line 13, after "1992" strike all material through "Senate" on line 17

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Ms. Hine spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8429 as amended by the House, and the resolution was adopted by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Miller - 1.

Substitute Senate Concurrent Resolution No. 8429 as amended by the House, having received the constitutional majority, was declared adopted.

SECOND REPORT OF CONFERENCE COMMITTEE

March 8, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6610, revising provisions for at-risk youth, have had the same under consideration and we recommend the following:

The House Committee on Human Services amendments be adopted (For committee amendments, see Journal, 47th Day, February 23, 1990.), and

The bill do pass as recommended by the Conference Committee.

Signed by Senators Smith, Niemi, Craswell; Representatives Sayan, O'Brien, Bowman.

MOTION

Mr. Sayan moved that the House adopt the Second Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 6610. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 6610 as recommended by Conference Committee.

Ms. Bowman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6610 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 93; nays, 3; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, King P, King R, Kirby, Kremen, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Cole, Jones, Leonard - 3.

Excused: Representative Miller - 1.

Engrossed Second Substitute Senate Bill No. 6610 as recommended by Conference Committee, having received the constitutional majority, was declared adopted.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1307,
 SUBSTITUTE HOUSE BILL NO. 1450,
 HOUSE BILL NO. 1890,
 SECOND SUBSTITUTE HOUSE BILL NO. 2122,
 HOUSE BILL NO. 2299,
 SUBSTITUTE HOUSE BILL NO. 2378,
 HOUSE BILL NO. 2395,
 SUBSTITUTE HOUSE BILL NO. 2403,
 HOUSE BILL NO. 2413,
 SUBSTITUTE HOUSE BILL NO. 2421,
 SUBSTITUTE HOUSE BILL NO. 2426,
 SUBSTITUTE HOUSE BILL NO. 2430,
 SECOND SUBSTITUTE HOUSE BILL NO. 2443,
 HOUSE BILL NO. 2555,
 HOUSE BILL NO. 2602,
 SUBSTITUTE HOUSE BILL NO. 2603,
 SUBSTITUTE HOUSE BILL NO. 2643,
 SUBSTITUTE HOUSE BILL NO. 2726,
 HOUSE BILL NO. 2775,
 HOUSE BILL NO. 2808,
 SUBSTITUTE HOUSE BILL NO. 2932,
 HOUSE BILL NO. 2939,
 HOUSE JOINT MEMORIAL NO. 4037.

The Speaker called on Representative Hargrove to preside.

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

INTRODUCTION AND FIRST READING

HCR 441 by Representatives Ebersole and Ballard

Adjourning the legislature Sine Die.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and the resolution was placed on second reading and read the second time in full.

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

House Concurrent Resolution No. 441 was adopted.

MESSAGES FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 6664, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8442.

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

INTRODUCTION AND FIRST READING

SCR 8442 by Senators Hayner, Sellar, Vognild and Warnke

Providing for the transmittal of bills, resolutions, and memorials upon adjournment of the legislature.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and the resolution was placed on second reading and read the second time in full.

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

Senate Concurrent Resolution No. 8442 was adopted.

The Speaker resumed the Chair.

MESSAGES FROM THE SENATE

March 8, 1990

Mr. Speaker:

The Senate has adopted the Second Report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6610, and passed the bill as recommended by the Conference Committee.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4441,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5340,
 SUBSTITUTE SENATE BILL NO. 5450,
 SUBSTITUTE SENATE BILL NO. 5545,
 SENATE BILL NO. 6253,
 SUBSTITUTE SENATE BILL NO. 6255,
 SENATE BILL NO. 6303,
 SUBSTITUTE SENATE BILL NO. 6306,
 SENATE BILL NO. 6408,
 SENATE BILL NO. 6411,
 SUBSTITUTE SENATE BILL NO. 6417,
 SECOND SUBSTITUTE SENATE BILL NO. 6418,
 SUBSTITUTE SENATE BILL NO. 6494,
 SECOND SUBSTITUTE SENATE BILL NO. 6537,
 SENATE BILL NO. 6559,
 SECOND SUBSTITUTE SENATE BILL NO. 6610,
 SUBSTITUTE SENATE BILL NO. 6626,
 SUBSTITUTE SENATE BILL NO. 6649,
 SUBSTITUTE SENATE BILL NO. 6663,
 SUBSTITUTE SENATE BILL NO. 6664,
 SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212,
 SENATE CONCURRENT RESOLUTION NO. 8440,
 SENATE CONCURRENT RESOLUTION NO. 8442,
 HOUSE BILL NO. 1307,
 SUBSTITUTE HOUSE BILL NO. 1450,
 HOUSE BILL NO. 1890,
 SECOND SUBSTITUTE HOUSE BILL NO. 2122,
 HOUSE BILL NO. 2299,
 SUBSTITUTE HOUSE BILL NO. 2378,
 HOUSE BILL NO. 2395,
 SUBSTITUTE HOUSE BILL NO. 2403,

HOUSE BILL NO. 2413,
 SUBSTITUTE HOUSE BILL NO. 2421,
 SUBSTITUTE HOUSE BILL NO. 2426,
 SUBSTITUTE HOUSE BILL NO. 2430,
 SECOND SUBSTITUTE HOUSE BILL NO. 2443,
 HOUSE BILL NO. 2555,
 HOUSE BILL NO. 2602,
 SUBSTITUTE HOUSE BILL NO. 2603,
 SUBSTITUTE HOUSE BILL NO. 2643,
 SUBSTITUTE HOUSE BILL NO. 2726,
 HOUSE BILL NO. 2775,
 HOUSE BILL NO. 2808,
 SUBSTITUTE HOUSE BILL NO. 2932,
 HOUSE BILL NO. 2939,
 HOUSE JOINT MEMORIAL NO. 4037,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4441,
 SUBSTITUTE SENATE BILL NO. 5340,
 SUBSTITUTE SENATE BILL NO. 5450,
 SUBSTITUTE SENATE BILL NO. 5545,
 SENATE BILL NO. 6253,
 SUBSTITUTE SENATE BILL NO. 6255,
 SENATE BILL NO. 6303,
 SUBSTITUTE SENATE BILL NO. 6306,
 SENATE BILL NO. 6408,
 SENATE BILL NO. 6411,
 SUBSTITUTE SENATE BILL NO. 6417,
 SECOND SUBSTITUTE SENATE BILL NO. 6418,
 SUBSTITUTE SENATE BILL NO. 6494,
 SECOND SUBSTITUTE SENATE BILL NO. 6537,
 SENATE BILL NO. 6559,
 SECOND SUBSTITUTE SENATE BILL NO. 6610,
 SUBSTITUTE SENATE BILL NO. 6626,
 SUBSTITUTE SENATE BILL NO. 6649,
 SUBSTITUTE SENATE BILL NO. 6663,
 SUBSTITUTE SENATE BILL NO. 6664,
 SECOND SUBSTITUTE SENATE JOINT RESOLUTION NO. 8212,
 SENATE CONCURRENT RESOLUTION NO. 8440,
 SENATE CONCURRENT RESOLUTION NO. 8442.

MESSAGES FROM THE SENATE

March 8, 1990

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4441,
 and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 8, 1990

Mr. Speaker:

Under the provisions of Senate Concurrent Resolution No. 8442, the Senate herewith returns the following bills:

HOUSE BILL NO. 1035,
 ENGROSSED HOUSE BILL NO. 1109,
 SECOND SUBSTITUTE HOUSE BILL NO. 1174,
 ENGROSSED HOUSE BILL NO. 1175,
 ENGROSSED HOUSE BILL NO. 1176.

HOUSE BILL NO. 1223,
ENGROSSED HOUSE BILL NO. 1226,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1237,
SUBSTITUTE HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1280,
SECOND SUBSTITUTE HOUSE BILL NO. 1291,
SECOND SUBSTITUTE HOUSE BILL NO. 1293,
HOUSE BILL NO. 1328,
ENGROSSED HOUSE BILL NO. 1343,
SECOND SUBSTITUTE HOUSE BILL NO. 1366,
SUBSTITUTE HOUSE BILL NO. 1375,
SECOND SUBSTITUTE HOUSE BILL NO. 1405,
REENGROSSED HOUSE BILL NO. 1433,
SUBSTITUTE HOUSE BILL NO. 1465,
SUBSTITUTE HOUSE BILL NO. 1475,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1492,
HOUSE BILL NO. 1505,
SUBSTITUTE HOUSE BILL NO. 1521,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1557,
HOUSE BILL NO. 1570,
SUBSTITUTE HOUSE BILL NO. 1577,
REENGROSSED HOUSE BILL NO. 1579,
ENGROSSED HOUSE BILL NO. 1596,
ENGROSSED HOUSE BILL NO. 1623,
SECOND SUBSTITUTE HOUSE BILL NO. 1624,
ENGROSSED HOUSE BILL NO. 1646,
SUBSTITUTE HOUSE BILL NO. 1661,
SECOND SUBSTITUTE HOUSE BILL NO. 1663,
SUBSTITUTE HOUSE BILL NO. 1669,
HOUSE BILL NO. 1682,
REENGROSSED HOUSE BILL NO. 1715,
SUBSTITUTE HOUSE BILL NO. 1746,
HOUSE BILL NO. 1747,
SUBSTITUTE HOUSE BILL NO. 1765,
SUBSTITUTE HOUSE BILL NO. 1797,
ENGROSSED HOUSE BILL NO. 1836,
SECOND SUBSTITUTE HOUSE BILL NO. 1911,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1941,
ENGROSSED HOUSE BILL NO. 1950,
SECOND SUBSTITUTE HOUSE BILL NO. 1978,
SUBSTITUTE HOUSE BILL NO. 1979,
SECOND SUBSTITUTE HOUSE BILL NO. 2023,
REENGROSSED SUBSTITUTE HOUSE BILL NO. 2030,
HOUSE BILL NO. 2035,
SUBSTITUTE HOUSE BILL NO. 2059,
SUBSTITUTE HOUSE BILL NO. 2072,
SECOND SUBSTITUTE HOUSE BILL NO. 2154,
SECOND SUBSTITUTE HOUSE BILL NO. 2208,
HOUSE BILL NO. 2216,
ENGROSSED HOUSE BILL NO. 2237,
SUBSTITUTE HOUSE BILL NO. 2251,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2252,
ENGROSSED HOUSE BILL NO. 2261,
HOUSE BILL NO. 2264,
HOUSE BILL NO. 2266,
SUBSTITUTE HOUSE BILL NO. 2267,
SECOND SUBSTITUTE HOUSE BILL NO. 2270,
HOUSE BILL NO. 2271,
HOUSE BILL NO. 2273,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2277,
SUBSTITUTE HOUSE BILL NO. 2279,

HOUSE BILL NO. 2295.
HOUSE BILL NO. 2297,
HOUSE BILL NO. 2300.
HOUSE BILL NO. 2303.
HOUSE BILL NO. 2311,
SUBSTITUTE HOUSE BILL NO. 2315,
SUBSTITUTE HOUSE BILL NO. 2320,
SECOND SUBSTITUTE HOUSE BILL NO. 2323,
HOUSE BILL NO. 2333,
HOUSE BILL NO. 2334,
ENGROSSED HOUSE BILL NO. 2338,
SUBSTITUTE HOUSE BILL NO. 2339,
HOUSE BILL NO. 2340,
HOUSE BILL NO. 2341,
HOUSE BILL NO. 2346,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2348,
SUBSTITUTE HOUSE BILL NO. 2349,
HOUSE BILL NO. 2353,
ENGROSSED HOUSE BILL NO. 2355,
SECOND SUBSTITUTE HOUSE BILL NO. 2359,
ENGROSSED HOUSE BILL NO. 2376,
SECOND SUBSTITUTE HOUSE BILL NO. 2379,
ENGROSSED HOUSE BILL NO. 2387,
HOUSE BILL NO. 2389,
HOUSE BILL NO. 2394,
HOUSE BILL NO. 2399,
HOUSE BILL NO. 2401,
SUBSTITUTE HOUSE BILL NO. 2402,
ENGROSSED HOUSE BILL NO. 2404,
SECOND SUBSTITUTE HOUSE BILL NO. 2405,
ENGROSSED HOUSE BILL NO. 2406,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2409,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2414,
SUBSTITUTE HOUSE BILL NO. 2416,
HOUSE BILL NO. 2417,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2423,
HOUSE BILL NO. 2424,
ENGROSSED HOUSE BILL NO. 2425,
HOUSE BILL NO. 2432,
HOUSE BILL NO. 2435,
SUBSTITUTE HOUSE BILL NO. 2436,
HOUSE BILL NO. 2444,
SUBSTITUTE HOUSE BILL NO. 2446,
SUBSTITUTE HOUSE BILL NO. 2451,
SUBSTITUTE HOUSE BILL NO. 2452,
SUBSTITUTE HOUSE BILL NO. 2455,
ENGROSSED HOUSE BILL NO. 2456,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2459,
ENGROSSED HOUSE BILL NO. 2460,
HOUSE BILL NO. 2465,
ENGROSSED HOUSE BILL NO. 2466,
SUBSTITUTE HOUSE BILL NO. 2467,
ENGROSSED HOUSE BILL NO. 2470,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2471,
ENGROSSED HOUSE BILL NO. 2472,
HOUSE BILL NO. 2488,
ENGROSSED HOUSE BILL NO. 2489,
HOUSE BILL NO. 2495,
HOUSE BILL NO. 2497,
ENGROSSED HOUSE BILL NO. 2499,
HOUSE BILL NO. 2502.

HOUSE BILL NO. 2508,
 ENGROSSED HOUSE BILL NO. 2510,
 ENGROSSED HOUSE BILL NO. 2514,
 SUBSTITUTE HOUSE BILL NO. 2515,
 SUBSTITUTE HOUSE BILL NO. 2516,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2517,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2531,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2533,
 SUBSTITUTE HOUSE BILL NO. 2536,
 HOUSE BILL NO. 2537,
 SUBSTITUTE HOUSE BILL NO. 2539,
 SECOND SUBSTITUTE HOUSE BILL NO. 2543,
 SUBSTITUTE HOUSE BILL NO. 2544,
 HOUSE BILL NO. 2550,
 SUBSTITUTE HOUSE BILL NO. 2551,
 ENGROSSED HOUSE BILL NO. 2560,
 SUBSTITUTE HOUSE BILL NO. 2566,
 SUBSTITUTE HOUSE BILL NO. 2569,
 SUBSTITUTE HOUSE BILL NO. 2570,
 ENGROSSED HOUSE BILL NO. 2571,
 HOUSE BILL NO. 2575,
 ENGROSSED HOUSE BILL NO. 2577,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2578,
 SUBSTITUTE HOUSE BILL NO. 2583,
 SUBSTITUTE HOUSE BILL NO. 2591,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2593,
 SUBSTITUTE HOUSE BILL NO. 2601,
 ENGROSSED HOUSE BILL NO. 2606,
 ENGROSSED HOUSE BILL NO. 2608,
 SUBSTITUTE HOUSE BILL NO. 2610,
 HOUSE BILL NO. 2615,
 ENGROSSED HOUSE BILL NO. 2617,
 ENGROSSED HOUSE BILL NO. 2618,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2622,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2624,
 ENGROSSED HOUSE BILL NO. 2626,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2630,
 ENGROSSED HOUSE BILL NO. 2636,
 ENGROSSED HOUSE BILL NO. 2638,
 ENGROSSED HOUSE BILL NO. 2641,
 SUBSTITUTE HOUSE BILL NO. 2642,
 SUBSTITUTE HOUSE BILL NO. 2649,
 SUBSTITUTE HOUSE BILL NO. 2651,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2653,
 HOUSE BILL NO. 2654,
 HOUSE BILL NO. 2661,
 HOUSE BILL NO. 2663,
 ENGROSSED HOUSE BILL NO. 2667,
 HOUSE BILL NO. 2687,
 HOUSE BILL NO. 2689,
 ENGROSSED HOUSE BILL NO. 2694,
 HOUSE BILL NO. 2695,
 HOUSE BILL NO. 2698,
 HOUSE BILL NO. 2707,
 HOUSE BILL NO. 2715,
 HOUSE BILL NO. 2719,
 ENGROSSED HOUSE BILL NO. 2722,
 SUBSTITUTE HOUSE BILL NO. 2728,
 HOUSE BILL NO. 2739,
 SUBSTITUTE HOUSE BILL NO. 2742,
 ENGROSSED HOUSE BILL NO. 2745.

ENGROSSED HOUSE BILL NO. 2763,
 SUBSTITUTE HOUSE BILL NO. 2772,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2774,
 ENGROSSED HOUSE BILL NO. 2777,
 SUBSTITUTE HOUSE BILL NO. 2780,
 SUBSTITUTE HOUSE BILL NO. 2783,
 ENGROSSED HOUSE BILL NO. 2788,
 SUBSTITUTE HOUSE BILL NO. 2789,
 HOUSE BILL NO. 2796,
 HOUSE BILL NO. 2803,
 HOUSE BILL NO. 2810,
 SUBSTITUTE HOUSE BILL NO. 2819,
 ENGROSSED HOUSE BILL NO. 2823,
 SUBSTITUTE HOUSE BILL NO. 2827,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2833,
 SUBSTITUTE HOUSE BILL NO. 2857,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2879,
 SUBSTITUTE HOUSE BILL NO. 2887,
 HOUSE BILL NO. 2890,
 SUBSTITUTE HOUSE BILL NO. 2892,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2910,
 ENGROSSED HOUSE BILL NO. 2912,
 SUBSTITUTE HOUSE BILL NO. 2914,
 SUBSTITUTE HOUSE BILL NO. 2915,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2916,
 SUBSTITUTE HOUSE BILL NO. 2921,
 ENGROSSED HOUSE BILL NO. 2924,
 SUBSTITUTE HOUSE BILL NO. 2925,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929,
 HOUSE BILL NO. 2937,
 SUBSTITUTE HOUSE BILL NO. 2952,
 SUBSTITUTE HOUSE BILL NO. 2955,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2964,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2971,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2979,
 SUBSTITUTE HOUSE BILL NO. 2992,
 SUBSTITUTE HOUSE BILL NO. 2996,
 HOUSE BILL NO. 2997,
 HOUSE BILL NO. 2998,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3000,
 SUBSTITUTE HOUSE BILL NO. 3006,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3016,
 HOUSE JOINT MEMORIAL NO. 4006,
 HOUSE JOINT MEMORIAL NO. 4012,
 ENGROSSED HOUSE JOINT MEMORIAL NO. 4019,
 HOUSE JOINT MEMORIAL NO. 4024,
 HOUSE JOINT MEMORIAL NO. 4031,
 ENGROSSED HOUSE JOINT RESOLUTION NO. 4200,
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4204,
 HOUSE JOINT RESOLUTION NO. 4227,
 HOUSE JOINT RESOLUTION NO. 4228,
 SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4429,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

On motion of Mr. Ebersole, reading of the Journal of the Sixtieth Day of the 1990 Regular Session of the Fifty-First Legislature was dispensed with and it was ordered to stand approved.

MOTION

On motion of Mr. Ebersole, the 1990 Regular Session of the Fifty-First Legislature was adjourned Sine Die.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

FIRST SPECIAL SESSION

FIRST DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 9, 1990

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Vekich, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Richard Juntner and Brenda Hemingway. Prayer was offered by Mary-Lynne Reiner of Temple Beth Hatfiloh of Olympia:

Dear Lord, please bless this Legislature and give them guidance, wisdom and perseverance. Please help them as they struggle to solve the serious problems of our people and our state. In all humility and reverence, Amen.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

INTRODUCTION AND FIRST READING

HCR 4442 by Representative Ebersole

Limiting the bills for consideration during special session.

MOTION

On motion of Mr. Ebersole, the rules were suspended and the resolution was placed on second reading and read the second time in full.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

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

House Concurrent Resolution No. 4442 was adopted.

MOTION

Mr. Ebersole moved that Committee on Rules be relieved of Second Substitute House Bill No. 2379, Substitute House Bill No. 2416, Engrossed House Bill No. 2667, Engrossed House Bill No. 2694, Engrossed House Bill No. 2888, Engrossed Substitute House Bill No. 2929 and Engrossed Substitute House Bill No. 2964 and that the bills be placed on the third reading calendar. The motion was carried.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

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

THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 2379, by Committee on Appropriations (originally sponsored by Representatives Peery, Betzoff, Dorn, Jacobsen, Hargrove, Holland, Van Luven, P. King, H. Myers, Kirby, Wineberry, Ebersole, May, Ferguson and Rasmussen; by request of Governor Gardner)

Creating student enrollment options programs.

The bill was read the third time and placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2379, and the bill passed the House by the following vote: Yeas, 65; nays, 31; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Betzoff, Braddock, Brough, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P, Kremen, May, Meyers R, Morris, Myers H, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Sayan, Schoon, Silver, Sommers D, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Winsley, Wolfe, Wood, and Mr. Speaker - 65.

Voting nay: Representatives Baugher, Belcher, Bennett, Bowman, Brekke, Brooks, Brumsickle, Cole, Doty, Fuhrman, Hankins, King R, Kirby, Leonard, Locke, McLean, Miller, Moyer, Nealey, Nelson, Padden, Prince, Rayburn, Rust, Schmidt, Scott, Smith, Sommers H, Wineberry, Youngsman, Zellinsky - 31.

Excused: Representative Vekich - 1.

Second Substitute House Bill No. 2379, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote "no" on final passage of Second Substitute House Bill No. 2379.

CAL ANDERSON, 43rd District.

SUBSTITUTE HOUSE BILL NO. 2416, by Committee on Financial Institutions & Insurance (originally sponsored by Representatives Dellwo, Chandler, Zellinsky, Anderson, Nutley and Winsley; by request of Insurance Commissioner)

Changing multiple insurance statutes.

The bill was read the third time and placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2416, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insløe, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Vekich - 1.

Substitute House Bill No. 2416, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of Engrossed House Bill No. 2667 and that the bill hold its place on the third reading calendar. The motion was carried.

ENGROSSED HOUSE BILL NO. 2694, by Representatives Cole, Holland, Leonard, Jacobsen and Betzoff

Extending the expiration date of the interim task force on student transportation safety.

The bill was read the third time and placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2694, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell,

Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Vaile, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Vekich - 1.

Engrossed House Bill No. 2694, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of Engrossed House Bill No. 2888 and that the bill hold its place on the third reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929, by Committee on Appropriations (originally sponsored by Representatives Cantwell, R. Fisher, Brough, Haugen, Belcher, Ferguson, Nutley, Phillips, Horn, Rust, Wood, Winsley, Nelson, Locke, Appelwick, Leonard, Wineberry, Scott, Bennett, Pruitt, Cole, Crane, Heavey, Spanel, Forner, Holland, O'Brien, Hine, Fraser, Todd and Wang)

Enacting comprehensive growth planning provisions.

The bill was read the third time and placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2929, and the bill passed the House by the following vote: Yeas, 76; nays, 20; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Bennett, Betzoff, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Morris, Moyer, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Sommers H, Spanel, Sprenkle, Tate, Todd, Vaile, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 76.

Voting nay: Representatives Ballard, Baugher, Bowman, Brooks, Brough, Brumsickle, Day, Doty, Fuhrman, Hankins, Kirby, McLean, Miller, Nealey, Padden, Rayburn, Smith, Sommers D, Wolfe, Youngsman - 20.

Excused: Representative Vekich - 1.

Engrossed Substitute House Bill No. 2929, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease until 1:00 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 1:00 p.m.

MOTION

Mr. Heavey moved that the House immediately consider Engrossed House Bill No. 2888 on the third reading calendar. The motion was carried.

THIRD READING

ENGROSSED HOUSE BILL NO. 2888, by Representatives Appelwick, R. Meyers, Dorn, McLean, May and Wood

Establishing a new child support schedule.

The bill was read the third time.

MOTION

Mr. Heavey moved that the rules be suspended and the bill be returned to second reading for purpose of amendment. The motion was carried.

Mr. Appelwick moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 10, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 375, Laws of 1989 and RCW 26.09.100 are each amended to read as follows:

In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court ~~((may))~~ shall order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount determined ~~((pursuant to the schedule adopted))~~ under chapter 26.19 RCW ~~((26.19.040))~~. The court may require periodic adjustments of support. The adjustment provision may be modified by the court due to economic hardship.

Sec. 2. Section 17, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 416, Laws of 1989 and RCW 26.09.170 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and, except as otherwise provided in subsections (4) ~~((or)), (5), and (8))~~ of this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(d) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

(5) An order or decree entered prior to June 7, 1984, may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require health insurance coverage for a child named therein; or

(b) Modify an existing order for health insurance coverage.

(6) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department of social and health services may file an action to modify an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is twenty-five percent or more below the appropriate child support amount set forth in the ~~((adopted child support schedule))~~ standard calculation as defined in section 4(2) of this act and reasons for the deviation are not set forth in the findings of fact or order. The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order.

(8) (a) Except as provided in (b) and (c) of this subsection, all child support decrees may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances. Either party may initiate the modification pursuant to procedures of RCW 26.09.175.

(b) Parents whose decrees are entered before the effective date of this act may petition the court for a modification after twelve months has expired from the entry of the decree or the most recent modification setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to (a) of this subsection.

(c) A party may petition for modification in cases of substantially changed circumstances, under subsection (1) of this section, at any time. However, if relief is granted under subsection (1) of this section, twenty-four months must pass before a petition for modification under (a) of this subsection may be filed.

(d) If, pursuant to (a) of this subsection, the court modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and

the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under (a) of this subsection may be filed.

(e) A parent who is receiving transfer payments who receives a wage or salary increase may not bring a modification action pursuant to (a) of this subsection alleging that increase constitutes a substantial change of circumstances under subsection (1) of this section.

Sec. 3. Section 2, chapter 430, Laws of 1987 and RCW 26.09.175 are each amended to read as follows:

(1) A proceeding for the modification of an order of child support shall commence with the filing of a petition ~~((and))~~, a supporting financial affidavit, and worksheets. The petition and affidavit shall be in substantially the form prescribed by the administrator for the courts. There shall be a fee of twenty dollars for the filing of a petition for modification of dissolution.

(2) The petitioner shall serve upon the other party the summons, a copy of the petition and affidavit, and a blank copy of a financial affidavit and the worksheets in the form prescribed by the administrator for the courts. If the modification proceeding is the first action filed in this state, service shall be made by personal service. If the decree to be modified was entered in this state, service shall be by personal service or by any form of mail requiring a return receipt. If the support obligation has been assigned to the state pursuant to RCW 74.20.330 and notice has been filed with the court, the summons, petition, ~~((and))~~ affidavit, and worksheets shall also be served on the ~~((office of support enforcement))~~ attorney general. Proof of service shall be filed with the court.

(3) The responding party's answer and completed financial affidavit and worksheets shall be served and the answer filed within twenty days after service of the petition or sixty days if served out of state. The responding party's failure to file an answer within the time required shall result in entry of a default judgment for the petitioner.

(4) At any time after responsive pleadings are filed, either party may schedule the matter for hearing.

(5) Unless both parties stipulate to arbitration or the presiding judge authorizes oral testimony pursuant to subsection (6) of this section, a petition for modification of an order of child support shall be heard by the court on affidavits only.

(6) A party seeking authority to present oral testimony on the petition to modify a support order shall file an appropriate motion not later than ten days after the time of notice of hearing. Affidavits and exhibits setting forth the reasons oral testimony is necessary to a just adjudication of the issues shall accompany the petition. The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include, but are not limited to: (a) Substantial questions of credibility on a major issue; (b) insufficient or inconsistent discovery materials not correctable by further discovery; or (c) particularly complex circumstances requiring expert testimony.

(7) The administrator for the courts shall develop and prepare, in consultation with interested persons, model forms or notices for the use of the procedure provided by this section, including a notice advising of the right of a party to proceed with or without benefit of counsel.

Sec. 4. Section 2, chapter 275, Laws of 1988 and RCW 26.19.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) ~~((“Child support schedule” means the standards and economic table adopted by the commission;~~

~~(2) “Standards” means the standards for determination of child support which have been adopted by the commission, as modified by the legislature;~~

~~(3)) “Economic table” means the child support table for the basic support obligation which has been adopted by the child support commission effective July 1, 1989, except it does not include the references in that table to “standards”;~~

~~((4)) (2) “Worksheets” means the forms ~~((adopted))~~ developed by the ~~((commission))~~ administrator for the courts for use in determining the amount of child support;~~

~~((5)) (3) “Instructions” means the instructions ~~((adopted))~~ developed by the ~~((commission))~~ administrator for the courts for use in completing the worksheets;~~

~~((6)) (4) “Commission” means the Washington state child support schedule commission established by RCW 26.19.030; ~~((and~~~~

~~(7)) (5) “Basic child support obligation” means the monthly obligation determined from the economic table based on the parties combined monthly net income;~~

~~(6) “Standard calculation” means the amount of child support which is owed as determined from the worksheets before any deviation is considered; and~~

~~(7) “Transfer payment” means the court-ordered amount one parent is obligated to pay to the other parent for child support.~~

Sec. 5. Section 6, chapter 275, Laws of 1988 and RCW 26.19.050 are each amended to read as follows:

(1) The ~~((commission))~~ administrator for the courts shall develop and adopt worksheets and instructions to assist the parties and courts in establishing the appropriate child support level and apportionment of support. The ~~((commission))~~ administrator for the courts shall attempt to

the greatest extent possible to make the worksheets and instructions understandable by persons who are not represented by legal counsel.

(2) The administrator for the courts (~~in consultation with the commission~~) shall develop and adopt standards for the printing of worksheets and shall establish a process for certifying printed worksheets. (~~The administrator shall not alter the design approved by the commission~~) The administrator may maintain a register of sources for approved worksheets.

(3) The administrator for the courts should explore methods to assist pro se parties and judges in the courtroom to calculate support payments through automated software, equipment, or personal assistance.

NEW SECTION. Sec. 6. A new section is added to chapter 26.19 RCW to read as follows:

(1) In any proceeding under this title or Title 13 or 74 RCW in which child support is at issue, support shall be determined and ordered according to this chapter. The provisions of this chapter for determining child support and reasons for deviation therefrom shall be applied in the same manner by the court, presiding officers, and reviewing officers. References to the court also incorporates the presiding and reviewing officers who administratively determine or enforce child support orders.

(2) An order for child support shall be supported by written findings of fact upon which the support determination is based and shall include reasons for any deviation from the standard calculation.

(3) All income and resources of each parent's household shall be disclosed and shall be considered by the court when the child support obligation of each parent is determined. Tax returns for the preceding three years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(4) Worksheets in the form developed by the administrator for the courts shall be completed under penalty of perjury and filed in every proceeding in which child support is determined. The court shall not accept incomplete worksheets or worksheets that vary from the worksheets developed by the administrator for the courts.

(5) Unless specific reasons for deviation are set forth in the written findings of fact or order and are supported by the evidence, the court shall order each parent to pay the amount of child support determined using the standard calculation.

(6) The court shall review the worksheets and the order for adequacy of the reasons set forth for any deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. The worksheet on which the order is based shall be initiated or signed by the judge and filed with the order.

NEW SECTION. Sec. 7. A new section is added to chapter 26.19 RCW to read as follows:

(1) The basic child support obligation derived from the economic table shall be allocated between the parents based on each parent's share of the combined monthly net income.

(2) Ordinary health care expenses are included in the economic table. Monthly health care expenses that exceed five percent of the basic support obligation shall be considered extraordinary health care expenses. Extraordinary health care expenses shall be shared by the parents in the same proportion as the basic child support obligation.

(3) Day care and special child rearing expenses, such as tuition and long-distance transportation costs to and from the parents for visitation purposes, are not included in the economic table. These expenses shall be shared by the parents in the same proportion as the basic child support obligation.

(4) The court may exercise its discretion to determine the necessity for and the reasonableness of all amounts ordered in excess of the basic child support obligation.

NEW SECTION. Sec. 8. A new section is added to chapter 26.19 RCW to read as follows:

(1) Except as otherwise provided in this section, monthly gross income for child support purposes shall include income from any source, including: Salaries, wages, commissions, deferred compensation, bonuses, mandatory overtime, dividends, interest, trust income, severance pay, annuities, capital gains, pension retirement benefits, social security retirement benefits, workers' compensation, unemployment benefits, and spousal maintenance that is actually received.

(2) Monthly gross income for the preceding year for child support purposes shall include income from voluntary overtime pay above one hundred sixty-eight hours per month, income from employment in excess of forty hours per week to the extent derived from a second job, nonrecurring bonuses, contract-related cash benefits, gifts, and prizes, except to the extent that income from those sources exceeds the average income from those sources for the second and third years preceding the commencement of the action under chapter 26.09, 26.10, or 26.26 RCW.

(3) The court shall deduct the following from gross income: Federal and state income taxes, federal insurance contributions act deductions, mandatory pension plan payments, mandatory union or professional dues, court-ordered spousal maintenance to the extent actually paid, up to two thousand dollars per year in voluntary pension payments actually made if the contributions were made for the three consecutive years prior to the filing of the dissolution, and court-

ordered payments of child support for children from other relationships to the extent actually paid. All items excluded from income shall be disclosed in the worksheet.

(4) The court may deduct normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

(5) The following resources shall be disclosed, shall not be included in gross income, and shall not be reason to deviate from the standard calculation: Aid to families with dependent children, supplemental security income, general assistance, veterans aid and attendance allowance, and food stamps.

(6) The following income shall be disclosed, shall not be included in gross income, but may be a reason to deviate from the standard calculation:

- (a) Income of a new spouse or income of other adults in the household;
- (b) Child support received from other relationships; and
- (c) Income excluded from subsection (2) of this section.

(7) (a) Children from relationships other than the relationship of the parties before the court shall not be counted for determining the number of children in the family for purposes of calculating the basic support obligation. The court may not consider, for purposes of deviation in calculating the amount of child support payable, any children for whom the court has allowed a deduction from gross income for court-ordered child support payments.

(b) The court may consider deviating from the presumptive basic support obligation when there are children from other relationships and the court has not allowed a deduction from gross income for payments of child support for those children pursuant to subsection (3) of this section. Deviations under this section from the presumptive basic support obligation due shall be based on consideration of the total circumstances of both households.

(8) The court shall consider the residential schedule and may deviate from the standard calculation if the child spends a substantial amount of time with the parent who is obligated to make the transfer payment. The court shall not use this subsection to restrict either parent's contact or visitation with the child or children.

Absent agreement between the parents, the parent seeking the adjustment based on contact with the child shall have the burden to show by a preponderance of the evidence the requested adjustment is consistent with the parent's actual past involvement with the child. The support payment should not be reduced if the reduction will result in insufficient funds in the house receiving the support to meet the basic needs of the child or the child is receiving aid to families with dependent children payments.

(9) Additional reasons that may support a deviation from the standard calculation include: Possession of wealth, shared living arrangements, extraordinary debts that have not been voluntarily incurred, extraordinarily high income of a child, a significant disparity of the living costs of the parents due to conditions beyond their control, and special needs of disabled children. A deviation may be supported by tax planning considerations only if the child would not receive a lesser economic benefit as a result of the tax planning.

(10) The court shall enter findings which specify reasons for any deviations from the standard calculation made by the court.

(11) Agreement of the parties is not by itself adequate reason for deviation from the standard calculation.

(12) Neither parent's total child support obligation shall exceed fifty percent of net income unless good cause is shown. Good cause may include possession of substantial wealth, children with day care expenses, special medical, educational, psychological needs, and larger families.

(13) The court shall impute income to a parent when the parent is voluntarily underemployed or voluntarily unemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history. A parent shall not be deemed voluntarily underemployed as long as that parent is gainfully employed on a full-time basis. Income shall not be imputed for an unemployable parent.

NEW SECTION. Sec. 9. A new section is added to chapter 26.19 RCW to read as follows:

The child support schedule shall be advisory and not mandatory for postsecondary educational support. When considering whether to order support for postsecondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together. The child must be enrolled in school, actively pursuing a course of study, and in good academic standing as defined by the institution or the court-ordered postsecondary educational support may be automatically suspended during the period or periods the child fails to comply with these conditions. The

court in its discretion may order that the payment be made directly to the parent who has been receiving the transfer payments, to the educational institution if feasible, or to the child. The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities.

NEW SECTION, Sec. 10. A new section is added to chapter 26.19 RCW to read as follows:

The parties may agree which parent is entitled to claim the child or children as dependents for federal income tax exemptions. The court may award the exemption or exemptions and order a party to sign the federal income tax dependency exemption waiver. The court may divide the exemptions between the parties, alternate the exemptions between the parties, or both.

NEW SECTION, Sec. 11. A new section is added to chapter 26.19 RCW to read as follows:

(1) When combined monthly net income is less than six hundred dollars, a support order not less than twenty-five dollars per month shall be entered for each parent, regardless of the number of children. A parent's child support obligation shall not reduce his or her net income below the need standard for one person promulgated pursuant to RCW 74.04.770, except for the mandatory minimum payment of twenty-five dollars per month as required by this subsection or in cases where the court finds reasons for deviation under section 8(8) of this act. This section shall not be construed to require monthly substantiation of income.

(2) The presumptive basic support obligation shall be determined upon the combined monthly net income of the parents up to a cap of five thousand dollars combined net income per month. The table is not presumptive but advisory only for combined monthly net incomes above five thousand dollars.

NEW SECTION, Sec. 12. A new section is added to chapter 26.19 RCW to read as follows:

(1) When combined monthly net income exceeds the highest combined monthly net income for which a presumptive amount of support is established, child support shall not be set at a level lower than that amount from the table but the court has discretion to establish support at higher levels upon written finding of fact.

(2) The provisions of this chapter shall apply to adult children who are dependent on their parents and for whom support is ordered pursuant to RCW 26.09.100.

Sec. 13. Section 2407, Code of 1881 as amended by section 1, chapter 207, Laws of 1969 ex. sess. and RCW 26.16.205 are each amended to read as follows:

The expenses of the family and the education of the children, including stepchildren, are chargeable upon the property of both husband and wife, or either of them, and ~~((in relation thereto))~~ they may be sued jointly or separately ~~((PROVIDED, That with regard to stepchildren, the obligation shall cease upon the termination of the relationship of husband and wife))~~. When a petition for dissolution of marriage or a petition for legal separation is filed, the court may, upon motion of the stepparent, terminate the obligation to support the stepchildren. The obligation to support stepchildren shall cease upon the entry of a decree of dissolution, decree of legal separation, or death.

NEW SECTION, Sec. 14. A new section is added to chapter 26.19 RCW to read as follows:

(1) Day care, extraordinary health care, long-distance transportation costs, and special child-rearing expenses such as tuition are not included in the basic support obligation for each child. These expenses shall be shared by the parents in the same proportion as the basic child support obligation and may be listed as a specific dollar amount or as a percentage amount subject to the verification requirements pursuant to subsection (2) of this section.

(2) (a) If a sum certain is established for day care and is set forth in the decree, the parent making the transfer payment is entitled to proof of the amount paid for day care. The parent making the transfer payment is responsible for the appropriate percentage of the actual amount paid, not to exceed the proper share of the amount as set forth in the decree. The transfer payment for day care must be made in advance if the day care amount is set forth in the decree or is a regularly paid amount in a sum certain. If an amount is not specified in the decree or a regular sum certain, reimbursement of day care expenses shall be treated in the same manner as reimbursement for transportation costs, extraordinary health care, and other extraordinary expenses.

(b) For transportation costs, extraordinary health care costs, and other extraordinary expenses of the children specified in the decree, the parent paying these expenses shall be entitled to prompt reimbursement of the other parent's share of those expenses. Proof of the expenditure shall be furnished to the parent from whom reimbursement is sought. Reimbursement must be made promptly but not later than thirty days of receipt of proof of payment of these expenditures.

(3) (a) If reimbursement is not made within the thirty-day period or is incomplete due to a nonsufficient fund check or other failure to pay, the parent seeking reimbursement may by motion obtain an order compelling payment with statutory interest. If a parent requests proof of payment and it is not provided within thirty days the party may move to compel production of the documents. The court shall award actual court costs and reasonable attorneys' fees to the prevailing party in every motion filed under this section except upon a showing of good cause for nonpayment.

(b) Wage assignment orders may be obtained pursuant to chapter 26.18 RCW to collect court-ordered basic child support, day care, extraordinary health care, long-distance transportation costs, or other extraordinary expenses, attorneys' fees, court costs, or any other item ordered by the court. A parent to whom basic child support, day care, extraordinary health care, long-distance transportation costs, or other extraordinary expenses are to be paid based on a percentage share of the costs, may by motion obtain a court order reducing the amounts owed to a sum certain and then enforce collection of that amount by a wage assignment order.

Sec. 15. Section 2, chapter 164, Laws of 1971 ex. sess. as last amended by section 1, chapter 55, Laws of 1989 and by section 151, chapter 175, Laws of 1989 and RCW 74.20A.020 are each reenacted and amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter and chapter 74.20 RCW shall have the following meanings:

(1) 'Department' means the state department of social and health services.

(2) 'Secretary' means the secretary of the department of social and health services, his designee or authorized representative.

(3) 'Dependent child' means any person:

(a) Under the age of eighteen who is not self-supporting, married, or a member of the armed forces of the United States; or

(b) Over the age of eighteen for whom a court order for support exists.

(4) 'Support obligation' means the obligation to provide for the necessary care, support, and maintenance, including medical expenses, of a dependent child or other person as required by statutes and the common law of this or another state.

(5) 'Superior court order' means any judgment, decree, or order of the superior court of the state of Washington, or a court of comparable jurisdiction of another state, establishing the existence of a support obligation and ordering payment of a set or determinable amount of support moneys to satisfy the support obligation. For purposes of RCW 74.20A.055, orders for support which were entered under the uniform reciprocal enforcement of support act by a state where the responsible parent no longer resides shall not preclude the department from establishing an amount to be paid as current and future support.

(6) 'Administrative order' means any determination, finding, decree, or order for support pursuant to RCW 74.20A.055, or by an agency of another state pursuant to a substantially similar administrative process, establishing the existence of a support obligation and ordering the payment of a set or determinable amount of support moneys to satisfy the support obligation.

(7) 'Responsible parent' means a natural parent, adoptive parent, or stepparent of a dependent child or a person who has signed an affidavit acknowledging paternity which has been filed with the state office of vital statistics.

(8) 'Stepparent' means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist ~~((and continue))~~ until terminated as provided for in RCW 26.16.205 ~~((until the relationship is terminated by death or dissolution of marriage))~~.

(9) 'Support moneys' means any moneys or in-kind providings paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.

(10) 'Support debt' means any delinquent amount of support moneys which is due, owing, and unpaid under a superior court order or an administrative order, a debt for the payment of expenses for the reasonable or necessary care, support, and maintenance, including medical expenses, of a dependent child or other person for whom a support obligation is owed; or a debt under RCW 74.20A.100 or 74.20A.270. Support debt also includes any accrued interest, fees, or penalties charged on a support debt, and attorneys fees and other costs of litigation awarded in an action to establish and enforce a support obligation or debt.

(11) 'State' means any state or political subdivision, territory, or possession of the United States, the District of Columbia, and the commonwealth of Puerto Rico.

Sec. 16. Section 24, chapter 460, Laws of 1987 as amended by section 18, chapter 375, Laws of 1989 and RCW 26.09.909 are each amended to read as follows:

(1) Decrees under this chapter involving child custody, visitation, or child support entered in actions commenced prior to January 1, 1988, shall be deemed to be parenting plans for purposes of this chapter.

(2) The enactment of the 1987 revisions to this chapter does not constitute substantially changed circumstances for the purposes of modifying decrees entered under this chapter in actions commenced prior to January 1, 1988, involving child custody, visitation, or child support. ~~((An))~~ Any action to modify any decree involving child custody, visitation, child support, or a parenting plan ~~((which was commenced after December 31, 1987;))~~ shall be governed by the ~~((1987 revisions to))~~ provisions of this chapter.

(3) Actions brought for clarification or interpretation of decrees entered under this chapter in actions commenced prior to January 1, 1988, shall be determined under the law in effect immediately prior to January 1, 1988.

NEW SECTION, Sec. 17. A new section is added to chapter 26.18 RCW to read as follows:

(1) When the department of labor and industries or a self-insurer pays compensation under chapter 51.32 RCW on behalf of or on account of the child or children of the injured worker for whom the injured worker owes a duty of child support, the amount of compensation the department or self-insurer pays on behalf of the child or children shall be treated for all purposes as if the injured worker paid the compensation toward satisfaction of the injured worker's child support obligations.

(2) When the social security administration pays social security disability dependency benefits on behalf of or on account of the child or children of the disabled person, the amount of compensation paid for the children shall be treated for all purposes as if the disabled person paid the compensation toward satisfaction of the disabled person's child support obligation.

(3) Under no circumstances shall the person who has the obligation to make the transfer payment have a right to reimbursement of any compensation paid under subsection (1) or (2) of this section.

Sec. 18. Section 17, chapter 460, Laws of 1987 and RCW 26.09.225 are each amended to read as follows:

Each parent shall have full and equal access to the education and ~~((medical))~~ health care records of the child absent a court order to the contrary.

Sec. 19. Section 3, chapter 275, Laws of 1988 as amended by section 76, chapter 175, Laws of 1989 and RCW 26.19.020 are each amended to read as follows:

~~((1)(a) Except as provided in (b) of this subsection, in any proceeding under this title or Title 13 or 74 RCW in which child support is at issue, support shall be determined and ordered according to the child support schedule adopted pursuant to RCW 26.19.040.~~

~~((b)) If approved by a majority vote of the superior court judges of a county, the superior court may adopt by local court rule an economic table that shall be used by the superior court of that county, instead of the economic table adopted by the commission, to determine the appropriate amount of child support. The economic table adopted by the superior court shall not vary by more than twenty-five percent from the economic table adopted by the commission and shall not vary the economic table for combined monthly net income of two thousand five hundred dollars or less.~~

~~((2) An order for child support shall be supported by written findings of fact upon which the support determination is based:~~

~~(3) All income and resources of each parent's household shall be disclosed and shall be considered by the court or the presiding or reviewing officer when the child support obligation of each parent is determined.~~

~~(4) Worksheets in the form approved by the commission shall be completed and filed in every proceeding in which child support is determined. Variations of the worksheets shall not be accepted:~~

~~(5) Unless specific reasons for deviation are set forth in the written findings of fact or order and are supported by the evidence, the court or the presiding or reviewing officer shall order each parent to pay the amount of child support determined using the standard calculation:~~

~~(6) The court or the presiding or reviewing officer shall review the worksheets and the order for adequacy of the reasons set forth for any deviation and for the adequacy of the amount of support ordered. Each order shall state the amount of child support calculated using the standard calculation and the amount of child support actually ordered. Reasons that may support a deviation from the standard calculation include: Possession of wealth, shared living arrangements, extraordinary debts that have not been voluntarily incurred, extraordinarily high income of a child, a significant disparity of the living costs of the parents due to conditions beyond their control, and special needs of disabled children. A deviation may be supported by tax planning considerations only if the child would not receive a lesser economic benefit. Agreement of the parties, by itself, is not adequate reason for deviation.))~~

Sec. 20. Section 2, chapter 440, Laws of 1987 as amended by section 5, chapter 275, Laws of 1988 and RCW 26.19.040 are each amended to read as follows:

~~((1)) The ~~((schedule~~ proposed by the commission in its report dated January 26, 1988,)) economic table as defined in section 4 of this act shall take effect July 1, ((1988)) 1990. The ~~((schedule))~~ economic table shall remain in effect until revised ((under this section. The commission shall review the schedule and propose changes as needed each even-numbered year.~~

~~(2) The commission shall review the schedule and recommended revisions based upon:~~

~~(a) Updated economic data which accurately reflects family spending and child rearing costs for families of different sizes and income levels in the state of Washington;~~

~~(b) Appropriate adjustments for significant changes in child rearing costs at different age levels;~~

~~(c) The need for funding of the child's primary residence by a payment which is sufficient to meet the basic needs of the child;~~

(d) Provisions for health care coverage and, when needed, child care payments; and
 (e) The support amount shall be based on the child's age, the parent's combined income, and the family size. Family size shall mean all children for whom support is to be established;
 (3) The commission shall establish standards for applying the child support schedule included in these standards shall be:

(a) The type, net or gross, and sources of income on which support amounts shall be based;

(b) Provisions for taking into account the voluntary unemployment or underemployment of one or both parents or if the income of a parent is not known; and

(c) Provisions for taking into account a parent whose income varies.

(4) Any proposed revisions to the schedule shall be submitted to the legislature no later than November 1st of each even-numbered year.

(5) If the commission fails to propose revisions to the schedule, the existing schedule shall remain in effect, unless the legislature refers the schedule to the commission for modification or adopts a different schedule. If the schedule is referred to the commission for modification, the provisions of subsection (7) of this section shall be applicable.

(6) The legislature may adopt the proposed schedule or refer the proposed schedule to the commission for modification. If the legislature fails to adopt or refer the proposed schedule to the commission by March 1 of the following year, the proposed schedule shall take effect without legislative approval on July 1 of that year.

(7) If the legislature refers the proposed schedule to the commission for modification on or before March 1st, the commission shall resubmit the proposed modifications to the legislature no later than March 15th. The legislature may adopt or modify the resubmitted proposed schedule. If the legislature fails to adopt or modify the resubmitted proposed schedule by April 1, the resubmitted proposed schedule shall take effect without legislative approval on July 1 of that year) by the legislature.

Sec. 21. Section 25, chapter 183, Laws of 1973 1st ex. sess. as last amended by section 152, chapter 175, Laws of 1989 and RCW 74.20A.055 are each amended to read as follows:

(1) The secretary may, in the absence of a superior court order, serve on the responsible parent or parents a notice and finding of financial responsibility requiring a responsible parent or parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future for such period of time as the child or children of said responsible parent or parents are in need. The hearing shall be held pursuant to RCW 74.20A.055, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. Any responsible parent who objects to all or any part of the notice and finding shall have the right for not more than twenty days from the date of service to file an application for an adjudicative proceeding. The application shall be served upon the department by registered or certified mail or personally. If no such application is made, the notice and finding of responsibility shall become final, and the debt created therein shall be subject to collection action as authorized under this chapter. If a timely application is made, the execution of notice and finding of responsibility shall be stayed pending the entry of the final administrative order. If no timely written application has previously been made, the responsible parent may petition the secretary or the secretary's designee at any time for an adjudicative proceeding as provided for in this section upon a showing of good cause for the failure to make a timely application. The filing of the petition for an adjudicative proceeding after the twenty-day period shall not affect any collection action previously taken under this chapter. The granting of an application after the twenty-day period operates as a stay on any future collection action, pending entry of the final administrative order. Moneys withheld as a result of collection action in effect at the time of the granting of the application after the twenty-day period shall be delivered to the department and shall be held in trust by the department pending entry of the final administrative order. The department may petition the presiding or reviewing officer to set temporary current and future support to be paid beginning with the month in which the application after the twenty-day period is granted. The presiding or reviewing officer shall order payment of temporary current and future support if appropriate in an amount determined pursuant to the child support schedule adopted under RCW 26.19.040. In the event the responsible parent does not make payment of the temporary current and future support as

ordered by the presiding or reviewing officer, the department may take collection action pursuant to chapter 74.20A RCW during the pendency of the adjudicative proceeding or thereafter to collect any amounts owing under the order. Temporary current and future support paid, or collected, during the pendency of the adjudicative proceeding shall be disbursed to the custodial parent or as otherwise appropriate when received by the department. If the final administrative order is that the department has collected from the responsible parent other than temporary current or future support, an amount greater than such parent's past support debt, the department shall promptly refund any such excess amount to such parent.

(3) Hearings may be held in the county of residence or other place convenient to the responsible parent. The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future for such period of time as the child or children of the responsible parent are in need, all computable on the basis of the need alleged. The notice and finding shall also include a statement of the name of the recipient or custodian and the name of the child or children for whom need is alleged; and/or a statement of the amount of periodic future support payments as to which financial responsibility is alleged.

(4) The notice and finding shall include a statement that the responsible parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why said responsible parent should not be determined to be liable for any or all of the debt, past and future.

The notice and finding shall include a statement that, if the responsible parent fails in timely fashion to file an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt shall be subject to collection action; a statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule adopted under RCW 26.19.040 in making these determinations, the presiding or reviewing officer shall comply with ~~((RCW 26.19.020 (4), (5), and (6)))~~ the provisions set forth in chapter 26.19 RCW.

If the responsible parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an initial decision and order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action.

(6) The final order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order: PROVIDED, That in the absence of a superior court order, either the responsible parent or the department may petition the secretary or his designee for issuance of an order to appear and show cause based on a showing of good cause and material change of circumstances, to require the other party to appear and show cause why the order previously entered should not be prospectively modified. Said order to appear and show cause together with a copy of the petition and affidavit upon which the order is based shall be served in the manner of a summons in a civil action or by certified mail, return receipt requested, on the other party by the petitioning party. Prospective modification may be ordered, but only upon a showing of good cause and material change of circumstances.

(7) The presiding or reviewing officer shall order support payments under the child support schedule adopted under RCW 26.19.040.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) 'Need' as used in this section shall mean the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children. The amount determined by reference to the child support schedule adopted under RCW 26.19.040, shall be a rebuttable presumption of the alleged responsible parent's ability to pay and the need of the family: PROVIDED, That such responsible parent shall be presumed to have no ability to pay child support under this chapter from any income received from aid to families with dependent children, supplemental security income, or continuing general assistance.

NEW SECTION. Sec. 22. (1) The administrator for the courts shall develop a child support order summary report form to provide for the reporting of summary information in every case in which a child support order is entered or modified either judicially or administratively. The

administrator for the courts shall attempt to the greatest extent possible to make the form simple and understandable by the parties. The form shall indicate the following:

- (a) The county in which the order was entered and the cause number;
 - (b) Whether it was a judicial or administrative order;
 - (c) Whether the order is an original order or from a modification;
 - (d) The number of children of the parties and the children's ages;
 - (e) The combined monthly net income of parties;
 - (f) The monthly net income of the father as determined by the court;
 - (g) The monthly net income of the mother as determined by the court;
 - (h) The basic child support obligation for each child as determined from the economic table;
 - (i) Whether or not the court deviated from the child support for each child;
 - (j) The reason or reasons stated by the court for the deviation;
 - (k) The amount of child support after the deviation;
 - (l) Any amount awarded for day care;
 - (m) Any other extraordinary amounts in the order;
 - (n) Any amount ordered for postsecondary education;
 - (o) The total amount of support ordered;
 - (p) In the case of a modification, the amount of support in the previous order;
 - (q) If the change in support was in excess of thirty percent, whether the change was phased in;
 - (r) The amount of the transfer payment ordered;
 - (s) Which parent was ordered to make the transfer payment; and
 - (t) The date of the entry of the order.
- (2) The administrator for the courts shall make the form available to the parties.

NEW SECTION, Sec. 23. A new section is added to chapter 26.09 RCW to read as follows:

The party seeking the establishment or modification of a child support order shall file with the clerk of the court the child support order summary report. The summary report shall be on the form developed by the administrator for the courts pursuant to section 22 of this act. The party must complete the form and file the form with the court order. The clerk of the court must forward the form to the administrator for the courts on at least a monthly basis.

NEW SECTION, Sec. 24. A new section is added to chapter 26.10 RCW to read as follows:

The party seeking the establishment or modification of a child support order shall file with the clerk of the court the child support order summary report. The summary report shall be on the form developed by the administrator for the courts pursuant to section 22 of this act. The party must complete the form and file the form with the court order. The clerk of the court must forward the form to the administrator for the courts on at least a monthly basis.

NEW SECTION, Sec. 25. The administrator for the courts shall develop not later than July 1, 1991, standard court forms for mandatory use by litigants in all actions commenced under chapters 26.09, 26.10, and 26.26 RCW effective January 1, 1992.

NEW SECTION, Sec. 26. A new section is added to chapter 26.09 RCW to read as follows:

Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION, Sec. 27. A new section is added to chapter 26.10 RCW to read as follows:

Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION, Sec. 28. A new section is added to chapter 26.26 RCW to read as follows:

Effective January 1, 1992, a party shall not file any pleading with the clerk of the court in an action commenced under this chapter unless on forms approved by the administrator for the courts.

NEW SECTION, Sec. 29. Section 1, chapter 440, Laws of 1987, section 4, chapter 275, Laws of 1988, section 41, chapter 360, Laws of 1989 and RCW 26.19.030 are each repealed.

NEW SECTION, Sec. 30. (1) Sections 5 and 22 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) The remainder of this act shall take effect July 1, 1990.

NEW SECTION, Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Representatives Appelwick and Padden spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "support," strike the remainder of the title and insert "amending RCW 26.09.100, 26.09.170, 26.09.175, 26.19.010, 26.19.050, 26.16.205, 26.09.909, 26.09.225, 26.19.020, 26.19.040, and 74.20A.055; reenacting and amending RCW 74.20A.020; adding

new sections to chapter 26.19 RCW; adding a new section to chapter 26.18 RCW; adding new sections to chapter 26.09 RCW; adding new sections to chapter 26.10 RCW; adding a new section to chapter 26.26 RCW; creating new sections; repealing RCW 26.19.030; providing an effective date; and declaring an emergency."

The bill was ordered reengrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Mr. Padden.

Mr. Padden: Representative Appelwick, on page 8, lines 21 to 29, does the reference to "voluntary overtime pay above one hundred sixty-eight hours per month" mean overtime in excess of one hundred sixty-eight hours of regular time?

Mr. Appelwick: Yes.

Mr. Padden: And, Representative Appelwick, does the reference to income from "employment in excess of forty hours per week to the extent derived from a second job" mean income in excess of forty total hours per week from all jobs?

Mr. Appelwick: Yes.

Representatives Appelwick and Hargrove spoke in favor of passage of the bill, and Ms. Spanel spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed House Bill No. 2888, and the bill passed the House by the following vote: Yeas, 71; nays, 25; excused, 1.

Voting yea: Representatives Appelwick, Ballard, Basich, Baugher, Beck, Bennett, Betrozoff, Bowman, Braddock, Brooks, Brumsickle, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Forner, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Holland, Horn, Insee, Jesernig, Jones, King P, King R, Kirby, Kremen, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, O'Brien, Padden, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Silver, Smith, Sommers D, Sprenkle, Tate, Todd, Van Luven, Walker, Wilson K, Wilson S, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 71.

Voting nay: Representatives Anderson, Belcher, Brekke, Brough, Cole, Fisher R, Fraser, Heavey, Hine, Jacobsen, Leonard, Locke, Miller, Nelson, Nutley, Phillips, Prentice, Raiter, Rust, Scott, Sommers H, Spanel, Valle, Wang, Wineberry - 25.

Excused: Representative Vekich - 1.

Reengrossed House Bill No. 2888, having received the constitutional majority, was declared passed.

MOTION

Mr. Heavey moved that the House immediately consider Engrossed Substitute House Bill No. 2964 on the third reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2964, by Committee on Capital Facilities & Financing (originally sponsored by Representatives Schoon, H. Sommers, P. King and Betrozoff)

Authorizing bonds for capital facilities.

The bill was read the third time.

MOTION

Mr. Heavey moved that the rules be suspended and the bill be returned to second reading for purpose of amendment. The motion was carried.

Ms. H. Sommers moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99H.010 are each amended to read as follows:

The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one billion ((two)) four hundred ((~~twenty-seven~~)) four million dollars, or so much thereof as may be required, to finance the projects described and authorized by

the legislature in the capital and operating appropriations acts for the 1989-1991 fiscal biennium and subsequent fiscal biennia, and all costs incidental thereto, and to provide for reimbursement of bond-funded accounts from the 1987-1989 fiscal biennium.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance, letters of credit, or other credit enhancements and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 2. Section 2, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99H.020 are each amended to read as follows:

Bonds issued under RCW 43.99H.010 are subject to the following conditions and limitations:

General obligation bonds of the state of Washington in the sum of one billion (~~two~~) four hundred (~~twenty-seven~~) four million dollars, or so much thereof as may be required, shall be issued for the purposes described and authorized by the legislature in the capital and operating appropriations acts for the 1989-91 fiscal biennium and subsequent fiscal biennia, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects, and to provide for reimbursement of bond-funded accounts from the 1987-89 fiscal biennium. Subject to such changes as may be required in the appropriations acts, the proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account created by RCW 43.83.020 and transferred as follows:

(1) Thirty million dollars to the state and local improvements revolving account—waste disposal facilities, created by RCW 43.83A.030, to be used for the purposes described in RCW 43.83A.020;

(2) Five million three hundred thousand dollars to the salmon enhancement construction account created by RCW 75.48.030;

(3) One hundred twenty million dollars to the state and local improvements revolving account—waste disposal facilities, 1980 created by RCW 43.99F.030, to be used for the purposes described in RCW 43.99F.020;

(4) Forty million dollars to the common school construction (~~(account)~~) fund as referenced in RCW 28A.40.100;

(5) Three million two hundred thousand dollars to the state higher education construction account created by RCW 28B.10.851;

(6) (~~Six~~) Eight hundred (~~(seventy-four)~~) five million dollars to the state building construction account created by RCW 43.83.020;

(7) Nine hundred fifty thousand dollars to the higher education reimbursable short-term bond account created by RCW 43.99G.020(6);

(8) (~~(Three)~~) Twenty-nine million (~~two~~) seven hundred thirty thousand dollars to the outdoor recreation account created by RCW 43.99.060;

(9) Sixty million dollars to the state and local improvements revolving account—water supply facilities, created by RCW (~~(43-83B-030)~~) 43.99E.020 to be used for the purposes described in chapter 43.99E RCW;

(10) (~~(Seven)~~) Four million three hundred thousand dollars to the state social and health services construction account created by RCW 43.83H.030;

(11) Two hundred fifty thousand dollars to the fisheries capital projects account created by RCW (~~(43-83F-166)~~) 43.83I.040;

(12) Four million nine hundred thousand dollars to the state facilities renewal account created by RCW 43.99G.020(5);

(13) Two million three hundred thousand dollars to the essential rail assistance account created by RCW 47.76.030;

(14) One million one hundred thousand dollars to the essential rail bank account hereby created in the state treasury;

(15) Seventy-three million dollars to the east capitol campus construction account hereby created in the state treasury;

(16) Eight million dollars to the higher education construction account created in RCW 28B.14D.040;

(17) Sixty-three million two hundred thousand dollars to the labor and industries construction account hereby created in the state treasury; ~~((and))~~

(18) Seventy-five million dollars to the ~~((University of Washington building))~~ higher education construction account created by RCW ((43.79.066)) 28B.14D.040;

(19) Twenty-six million five hundred fifty thousand dollars to the habitat conservation account hereby created in the state treasury; and

(20) Eight million dollars to the public safety reimbursable bond account hereby created in the state treasury.

These proceeds shall be used exclusively for the purposes specified in this subsection, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management, subject to legislative appropriation.

Bonds authorized for the purposes of subsection (17) of this section shall be issued only after the director of the department of labor and industries has certified, based on reasonable estimates, that sufficient revenues will be available from the accident fund created in RCW 51.44.010 and the medical aid fund created in RCW 51.44.020 to meet the requirements of RCW 43.99H.060(4) during the life of the bonds.

Bonds authorized for the purposes of subsection (18) of this section shall be issued only after the board of regents of the University of Washington has certified, based on reasonable estimates, that sufficient revenues will be available from nonappropriated local funds to meet the requirements of RCW 43.99H.060(4) during the life of the bonds.

Sec. 3. Section 8, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99H.080 are each amended to read as follows:

The legislature may provide additional means for raising moneys for the payment of the principal ~~((of))~~ and interest on the bonds authorized in RCW 43.99H.010~~((and))~~, RCW 43.99H.030 and 43.99H.040 shall not be deemed to provide an exclusive method for the payment.

Sec. 4. Section 3, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99H.030 are each amended to read as follows:

Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99H.020 (1) through (14) and (19) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

Sec. 5. Section 4, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99H.040 are each amended to read as follows:

(1) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(16) shall be payable from the higher education bond retirement fund of 1979. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the higher education bond retirement fund of 1979, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

(2) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(15) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

(3) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(17) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such

bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

(4) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(18) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

(5) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(20) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

Sec. 6. Section 6, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99H.060 are each amended to read as follows:

(1) For bonds issued for the purposes of RCW 43.99H.020(16), on each date on which any interest or principal and interest payment is due, the board of regents or the board of trustees of Washington State University shall cause the amount computed in RCW 43.99H.040(1) to be paid out of the appropriate building account or capital projects account to the state treasurer for deposit into the general fund of the state treasury.

(2) For bonds issued for the purposes of RCW 43.99H.020(15), on each date on which any interest or principal and interest payment is due, the state treasurer shall transfer the amount computed in RCW 43.99H.040(2) from the capitol campus reserve account, hereby created in the state treasury, to the general fund of the state treasury. At the time of sale of the bonds issued for the purposes of RCW 43.99H.020(15), and on or before June 30th of each succeeding year while such bonds remain outstanding, the state finance committee shall determine, based on current balances and estimated receipts and expenditures from the capitol campus reserve account, that portion of principal and interest on such RCW 43.99H.020(15) bonds which will, by virtue of payments from the capitol campus reserve account, be reimbursed from sources other than 'general state revenues' as that term is defined in Article VIII, section 1 of the state Constitution. The amount so determined by the state finance committee, as from time to time adjusted in accordance with this subsection, shall not constitute indebtedness for purposes of the limitations set forth in RCW 39.42.060.

(3) For bonds issued for the purposes of RCW 43.99H.020(17), on each date on which any interest or principal and interest payment is due, the director of the department of labor and industries shall cause fifty percent of the amount computed in RCW 43.99H.040(3) to be transferred from the accident fund created in RCW 51.44.010 and fifty percent of the amount computed in RCW 43.99H.040(3) to be transferred from the medical aid fund created in RCW 51.44.020, to the general fund of the state treasury.

(4) For bonds issued for the purposes of RCW 43.99H.020(18), on each date on which any interest or principal and interest payment is due, the board of regents of the University of Washington shall cause the amount computed in RCW 43.99H.040(4) to be paid out of the University of Washington building account to the state treasurer for deposit into the general fund of the state treasury.

(5) For bonds issued for the purposes of RCW 43.99H.020(20), on each date on which any interest or principal and interest payment is due, the state treasurer shall transfer the amount computed in RCW 43.99H.040(5) from the public safety and education account created in RCW 43.08.250 to the general fund of the state treasury.

Sec. 7. Section 2, chapter 127, Laws of 1972 ex. sess. as last amended by section 2, chapter 136, Laws of 1989 and by section 10, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.83A.020 are each reenacted to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of public waste disposal facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred ninety-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. As used in this section the phrase 'public waste disposal facilities' shall not include the acquisition of equipment used to

collect, carry, and transport garbage. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

Sec. 8. Section 2, chapter 234, Laws of 1979 ex. sess. as amended by section 4, chapter 136, Laws of 1989 and by section 11, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99E.015 are each reenacted to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of sixty-five million dollars, or so much thereof as may be required, to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution. No bonds authorized by this chapter may be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold.

Sec. 9. Section 2, chapter 159, Laws of 1980 as last amended by section 6, chapter 136, Laws of 1989 and by section 12, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99F.020 are each reenacted to read as follows:

For the purpose of providing funds to public bodies for the planning, design, acquisition, construction, and improvement of public waste disposal and management facilities, or for purposes of assisting a public body to obtain an ownership interest in waste disposal and management facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of three hundred thirty million dollars, or so much thereof as may be required, to finance the improvements defined in this chapter and all costs incidental thereto. The department may not use or permit the use of any funds derived from the sale of bonds authorized by this chapter for: (1) the support of a solid waste recycling activity or service in a locale if the department determines that the activity or service is reasonably available to persons within that locale from private enterprise; or (2) the construction of municipal wastewater facilities unless said facilities have been approved by a general purpose unit of local government in accordance with chapter 36.94 RCW, chapter 35.67 RCW, or RCW 56.08.020. These bonds shall be paid and discharged within thirty years of the date of issuance. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold.

Sec. 10. Section 2, chapter 308, Laws of 1977 ex. sess. as last amended by section 8, chapter 136, Laws of 1989 and by section 15, chapter 14, Laws of 1989 1st ex. sess. and RCW 75.48.020 are each reenacted to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of salmon hatcheries, other salmon propagation facilities including natural production sites, and necessary supporting facilities within the state, the state finance committee may issue general obligation bonds of the state of Washington in the sum of twenty-nine million two hundred thousand dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within thirty years. No bonds authorized by this chapter may be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

Sec. 11. Section 3, chapter 97, Laws of 1965 ex. sess. as last amended by section 2, chapter 214, Laws of 1984 and RCW 77.12.203 are each amended to read as follows:

(1) Notwithstanding RCW 84.36.010 or other statutes to the contrary, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.

(2) 'Game lands,' as used in this section and RCW 77.12.201, means those tracts one hundred acres or larger owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access or recreation purposes with federal funds in the Snake River drainage basin shall be considered game lands regardless of acreage.

(3) This section shall not apply to lands transferred after the effective date of this act to the department from other state agencies.

NEW SECTION. Sec. 12. Amounts saved by operation of section 11 of this act during the 1989-91 fiscal biennium may be used only for financing capital facilities.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or 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."

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

March 9, 1990

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4442.

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4442.

The Speaker stated the question before the House to be adoption of the amendment by Representative H. Sommers to Engrossed Substitute House Bill No. 2964.

Representatives H. Sommers and Schoon spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 43.99H.010, 43.99H.020, 43.99H.080, 43.99H.030, 43.99H.040, 43.99H.060, and 77.12.203; reenacting RCW 43.83A.020, 43.99E.015, 43.99F.020, and 75.48.020; creating a new section; and declaring an emergency."

The bill was ordered reengrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute House Bill No. 2964, and the bill passed the House by the following vote: Yeas, 87; nays, 9; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Bennett, Betzoff, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Smith, Sommers D, Sommers H, Spanel, Sprengle, Todd, Valle, Van Luven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Beck, Bowman, Fuhrman, Kirby, McLean, Padden, Silver, Tate, Wolfe - 9.

Excused: Representative Vekich - 1.

Reengrossed Substitute House Bill No. 2964, having received the constitutional majority, was declared passed.

MOTION

Mr. Heavey moved that the House immediately consider Engrossed House Bill No. 2667 on the third reading calendar. The motion was carried.

ENGROSSED HOUSE BILL NO. 2667, by Representatives Phillips, Nutley, Nelson, Holland, Wang, Hankins, Wineberry and Anderson

Changing provisions relating to low-income home energy assistance and creating a joint select committee on low-income home energy assistance.

The bill was read the third time.

MOTION

Mr. Heavey moved that the rules be suspended and the bill be returned to second reading for purpose of amendment. The motion was carried.

Mr. Nelson moved adoption of the following amendment by Representatives Nelson and Miller:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 35.21.300, chapter 7, Laws of 1965 as last amended by section 1, chapter 356, Laws of 1987 and RCW 35.21.300 are each amended to read as follows:

(1) The lien for charges for service by a city waterworks, or electric light or power plant may be enforced only by cutting off the service until the delinquent and unpaid charges are paid, except that until June 30, ~~((1990))~~ 1991, utility service for residential space heating may be terminated between November 15 and March 15 only as provided in subsections (2) and (3) of this section. In the event of a disputed account and tender by the owner of the premises of the amount he claims to be due before the service is cut off, the right to refuse service to any premises shall not accrue until suit has been entered by the city and judgment entered in the case.

(2) Until June 30, ~~((1990))~~ 1991:

(a) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill, including a security deposit. This notice ~~((shall))~~ should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(ii) Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information in the self-certification;

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(ii) Assist the customer in fulfilling the requirements under this section;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area; ~~((and))~~

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any.

and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and (v) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(3) All municipal utilities shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(4) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

Sec. 2. Section 5, chapter 251, Laws of 1984 as amended by section 2, chapter 245, Laws of 1986 and RCW 35.21.301 are each amended to read as follows:

Until ~~((1990))~~ 1991, cities and towns distributing electricity shall report ~~((annually))~~ by September 30 of each year to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter 245, Laws of 1986 benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, ~~((1990))~~ 1991.

Sec. 3. Section 2, chapter 251, Laws of 1984 as last amended by section 3, chapter 245, Laws of 1986 and RCW 54.16.285 are each amended to read as follows:

(1) A district providing utility service for residential space heating shall not terminate such utility service between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice ~~((shall))~~ should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if he or she moves.

(2) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area; ~~((and))~~

(d) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(e) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(3) All districts providing utility service for residential space heating shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(4) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

(5) This section shall expire June 30, ~~((1998))~~ 1991.

Sec. 4. Section 6, chapter 251, Laws of 1984 as amended by section 4, chapter 245, Laws of 1986 and RCW 54.16.286 are each amended to read as follows:

Until ~~((1998))~~ 1991, districts distributing electricity shall report ~~((annually))~~ by September 30 of each year to the legislature: (1) The extent to which chapter 245, Laws of 1986 benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, ~~((1998))~~ 1991.

Sec. 5. Section 80.28.010, chapter 14, Laws of 1961 as last amended by section 5, chapter 245, Laws of 1986 and RCW 80.28.010 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient.

(2) Every gas company, electrical company and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company or water company, affecting or pertaining to the sale or distribution of its product, shall be just and reasonable.

(4) Until June 30, ~~((1998))~~ 1991:

(a) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill, including a security deposit. This notice ~~((shall))~~ should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(ii) Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(ii) Assist the customer in fulfilling the requirements under this section;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area: ~~((and))~~

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under

this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(v) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(c) A payment plan implemented under this section is consistent with RCW 80.28.080.

(5) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(6) Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

(7) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

Sec. 6. Section 7, chapter 251, Laws of 1984 as amended by section 6, chapter 245, Laws of 1986 and RCW 80.28.011 are each amended to read as follows:

Until ~~((1990))~~ 1991, the Washington utilities and transportation commission shall report ~~((annually))~~ by September 30 of each year to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter 245, Laws of 1986 benefits low income persons, and (2) the costs and benefits to other customers. ~~((The commission shall also review its policies and the policies of gas and electric utilities under its jurisdiction on involuntary termination of gas or electric utility service, discontinuance of service, and responsibility for delinquent accounts, for all residential customers and undertake good faith efforts to adopt policies which apply to all residential customers in a similar fashion to minimize uncollectible customer billings and to encourage customer payments of prior service obligations in a manner consistent with applicable state and federal law. This review shall be completed and a report on the review submitted to the energy and utilities committees of the legislature by January 1, 1987.))~~

This section shall expire June 30, ~~((1990))~~ 1991.

NEW SECTION. Sec. 7. The legislature finds that the number of low-income persons unable to afford adequate home heating is growing while government programs for low-income home heating and weatherization are diminishing. The legislature further finds that current government programs are inadequate in content or scope to meet low-income home heating needs and, therefore, there is a need to study the subject broadly to devise workable and sufficient programs for heating low-income households.

NEW SECTION. Sec. 8. The energy and utilities committees of the senate and the house of representatives shall review information and data on current low-income home heating programs and alternative models, both in this state and elsewhere, and analyze the effectiveness of such programs. In their review, the committees shall consider a range of policies, programs, and factors, including conservation of energy resources and utility incentives for conservation investments as they apply to low-income households and providing for a reasonable means for utilities to obtain payment for services delivered, the diminishing availability of federal and state resources allocated for low-income home heating and weatherization, consideration of methods to provide weatherization and space heating efficiency improvements to low-income homes not heated by electricity or natural gas, financial assistance programs, alternative forms of payment plans, modification of customer service policies, rate structures, assistance rates, consumer education, housing rehabilitation programs, guidelines for the involuntary termination of residential utility service, policies assuring that low-income persons receive the benefits of various programs, and the diminishing quality and quantity of low-income housing stock in this state. The review shall be completed by December 15, 1990, and shall have as its objective the development of options for modifications to the program that may be considered by the legislature during its 1991 session.

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

Representatives Nelson and Hankins spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 2 of the title, after "persons," strike the remainder of the title and insert "amending RCW 35.21.300, 35.21.301, 54.16.285, 54.16.286, 80.28.010, and 80.28.011; creating new sections; and declaring an emergency."

The bill was ordered reengrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed House Bill No. 2667, and the bill passed the House by the following vote: Yeas, 96; excused, 1.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Loven, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Vekich - 1.

Reengrossed House Bill No. 2667, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGES FROM THE SENATE

March 9, 1990

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2416,
ENGROSSED HOUSE BILL NO. 2694,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 9, 1990

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4442.

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

SENATE AMENDMENTS TO HOUSE BILL

March 9, 1990

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. INTENT. The legislature finds that uncoordinated and unmanaged growth poses an immediate threat to the environment, to sustainable economic development, and to the high quality of life enjoyed by inhabitants of this state. It is in the interest of all the people of this state that citizens, communities, and local governments cooperate and coordinate with one another in comprehensive land use planning. Such cooperation and coordination state-wide will encourage predictability in the permitted uses of property and promote uniformity of land use planning.

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

- (1) 'City' means any city, town, or optional municipal code city.
- (2) 'Department' means the department of community development.
- (3) 'Development regulations' mean any city or county controls on any land use or development activities including, but not limited to, zoning ordinances, planned unit development ordinances, and subdivision ordinances.
- (4) 'Special purpose district' means a local unit of government, other than a city, county, or regional organization, authorized and regulated by statute to perform a single function or a limited number of functions, and includes, but is not limited to, water districts, irrigation districts, port districts, fire protection districts, school districts, community college districts, public hospital

districts, sewer districts, public utility districts, public health districts, city and county health districts, cemetery districts, diking districts, metropolitan park districts, public transportation benefit areas, drainage districts, transportation districts, and metropolitan municipal corporations organized under chapter 35.58 RCW.

(5) 'Urban growth' means that growth which makes intensive use of the land for the location of buildings, structures, and impermeable surfaces. When allowed to occur over wide areas, it typically requires urban governmental services.

NEW SECTION, Sec. 3. STATE-WIDE PLANNING GOALS CHECKLIST. No later than July 1, 1991, the department shall adopt land use planning guidelines applicable to all city and county comprehensive land use plans. The guidelines shall be consistent with the purposes of this chapter and shall implement the following growth planning goals:

(1) To provide for the conservation and wise use of natural resources, and to maintain a productive agricultural and forest land base by discouraging the conversion of agricultural and forest land to other uses;

(2) To preserve unique wildlife habitats;

(3) To prevent uses of rare or important natural ecosystems which are incompatible with the long-term sustainability of such lands;

(4) To protect environmentally sensitive areas, including wetlands, riparian zones, flood plains, and areas of geological hazard;

(5) To protect lands having significant historical, cultural, or geological value;

(6) To ensure that adequate and diversified recreational opportunities and publicly accessible open space are provided in all areas of the state, and particularly in areas of increasing urbanization;

(7) To encourage diversified transportation modes which decrease reliance upon the automobile, particularly in high density urban areas;

(8) To encourage and provide incentives for high quality development that permit growth in accordance with public need and the physical and environmental limitations of land;

(9) To encourage provision of urban governmental services and facilities in areas planned for urban growth, and to require that adequate services and facilities be provided as growth occurs;

(10) To assure adequate access to and provision of utility services, and to encourage responsible waste management;

(11) To assure that major developments such as educational and correctional institutions, health care facilities, transportation facilities, waste management and disposal facilities, and energy facilities are equitably and prudently located;

(12) To encourage greater regional planning, consistency of local plans with regional plans, and coordination of city and county comprehensive plans in areas with common growth management and urban governmental services concerns;

(13) To assure that citizens have a meaningful role in participating in local and regional land use planning decisions;

(14) To encourage future urban growth to occur in existing urban areas and adjacent areas designated for additional urban growth, and to discourage urban growth from occurring in areas providing long-term importance for agricultural or forest uses, or in areas that are environmentally sensitive;

(15) To incorporate shoreline master programs developed pursuant to the shoreline management act into city and county comprehensive land use plans: PROVIDED, That each county is required to develop, adopt, administer, and enforce shorelines management programs pursuant to chapter 90.58 RCW; and

(16) To plan specifically for commercial and industrial development.

NEW SECTION, Sec. 4. TECHNICAL ASSISTANCE SERVICES. (1) The department shall establish a program of technical assistance to the counties and cities to facilitate the adoption and implementation of comprehensive plans and development regulations.

(2) The department shall develop a priority list for technical assistance for counties and cities. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, the need for technical assistance, and other relevant factors.

(3) The technical assistance program shall utilize department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories.

(4) The department shall establish, in consultation with representatives selected by the associations for cities and counties, a state-wide data base which includes all lands, land uses, and facilities in each municipality.

NEW SECTION, Sec. 5. PROCEDURE FOR ADOPTING STATE-WIDE PLANNING GOALS CHECKLIST AND ESTABLISHING TECHNICAL ASSISTANCE PROGRAM. In developing the guidelines under section 3 of this act and the program under section 4 of this act, the department shall

seek public participation. The department shall also consult with city and county legislative bodies and executive officials, other state agencies having expertise or jurisdiction in land use management and planning issues, and private sector and nonprofit organizations having an interest in comprehensive planning. The guidelines shall be adopted under the procedures of chapter 34.05 RCW.

NEW SECTION. Sec. 6. ROLE OF GROWTH STRATEGIES COMMISSION. The growth strategies commission created by executive order shall:

(1) Analyze different methods for assuring county and city compliance and consistency with the state-wide planning goals checklist under section 3 of this act and with other requirements of this chapter; and

(2) Recommend to the legislature and the governor by December 10, 1990, a specific structure or process that, among other things:

(a) Ensures county and city coordination and compliance with the state-wide planning goals checklist under section 3 of this act and with other requirements of this chapter;

(b) Promotes linkages between land use and transportation; and

(c) Provides counties and cities access to alternative sources of funds which shall be used to assist counties and cities to mitigate those impacts which occur due to permitted development.

NEW SECTION. Sec. 7. COMPREHENSIVE LAND USE PLANS. (1) No later than twelve months following final adoption of the guidelines required under section 3 of this act, every city and county shall adopt or make revisions to its comprehensive land use plan to be consistent with such guidelines, except as provided under subsection (4) of this section.

(2) Each city and county shall establish procedures providing for early and continuous public participation in the development of comprehensive land use plans and amendments, and in the adoption of development regulations to implement such plans. The procedures shall provide for dissemination of proposals and alternatives, opportunity for written comments, public meetings after timely and effective notice, provision for open discussion, and consideration of and response to public comments. Errors in exact compliance with the established procedures which do not have a material effect upon the ability of a person to participate shall not be the basis for invalidation of a plan provision, plan amendment, or development regulation.

(3) City comprehensive plans shall not be inconsistent with the county plan. Within a reasonable time, each county and city shall assure that their plans are not inconsistent with other counties or cities that are close or contiguous or that have related regional interests. To promote consistency, counties and cities that are close or contiguous shall prepare their comprehensive plans in consultation with each other.

(4) Upon adoption of a resolution by the legislative body of a city with a population of less than seven thousand five hundred that the burdens of adopting a comprehensive plan and development regulations outweigh the benefits to be derived from the process, the city shall be exempted from the provisions of this chapter. A copy of such resolution shall be filed with the department.

NEW SECTION. Sec. 8. COMPREHENSIVE PLAN REQUIREMENTS. (1) Each comprehensive plan shall include:

(a) A land use element;

(b) An economic development element;

(c) A conservation element;

(d) A neighborhood preservation element;

(e) A transportation element;

(f) A housing element;

(g) A public services element;

(h) A recreation and open space element;

(i) An agriculture element;

(j) A forest element;

(k) A utilities element;

(l) A public facilities element;

(m) An educational facilities element;

(n) A correctional facilities element;

(o) A public water element;

(p) A pollution element;

(q) A commercial and industrial element; and

(r) An element prescribing urban growth boundaries.

(2) Each element of a comprehensive plan shall include the following components:

(a) An inventory of all existing lands, land uses, or facilities relating to that element made available on a data base that is compatible with the data base developed by the department under section 4(5) of this act;

(b) An analysis of existing needs;

(c) An analysis of future needs based upon the land uses shown on a future land use map depicting the proposed future distribution of land uses, and population, housing, and employment goals consistent with this chapter;

(d) A statement of the goals and a list of objectives consistent with the land uses shown on the future land use map and consistent with this chapter.

(3) Each comprehensive plan shall be internally consistent so that all elements of the plan are consistent with the future land use map and with each other.

(4) Each comprehensive plan shall contain an element demonstrating that its employment and population goals and its elements are consistent with the goals and elements of plans of surrounding jurisdictions.

(5) A comprehensive plan may contain additional elements consistent with the elements required by this section, including an element addressing multijurisdictional issues.

(6) The educational facilities element of the comprehensive plan shall provide for notification to school districts of any proposed development having the potential to directly or indirectly impact school facilities. Cities and counties shall implement this plan provision through ordinances ensuring early notification to school districts of the proposed development and an opportunity to comment on the proposal. Cities and counties shall consider impacts to school facilities when reviewing applications for subdivision approval, zoning ordinances, or other required development approvals.

NEW SECTION. Sec. 9. DEVELOPMENT REGULATIONS. Within twenty-four months after final adoption of the state-wide planning goals checklist each city and county shall enact or amend development regulations, including zoning and other land use regulations, that implement its comprehensive land use plan. The development regulations shall not be inconsistent with the jurisdiction's comprehensive plan. This section does not affect or limit development regulations of cities and counties existing or adopted prior to the regulations required by this section, but does require that the regulations be amended as necessary to be consistent with the comprehensive plan within the time provided under this section.

NEW SECTION. Sec. 10. URBAN GROWTH BOUNDARIES. (1) No later than twenty-four months following adoption of the state planning guidelines required under section 3 of this act, each county shall prescribe urban growth boundaries as an element of its comprehensive land use plan. These boundaries shall be consistent with the goals of this chapter, with department rules required under this section, and with the policy guidelines of the department. The proposed boundaries shall be submitted for certification by the department.

(2) No later than July 1, 1992, the department shall adopt rules defining standards for county adoption of urban growth boundaries. The rules shall describe the levels of urban governmental services which should be planned for areas intended for urban growth. The rules shall also provide criteria which must be considered by counties in prescribing urban growth boundaries, including, but not limited to:

(a) Present and potential use of the land for nonurban uses such as agriculture and forest production;

(b) The location of environmentally sensitive areas;

(c) Past and future population patterns and trends;

(d) Environmental capacity for future population;

(e) Present and potential urban governmental service capacity, and any existing plans for future service delivery;

(f) Past patterns and future projections of commercial and industrial development;

(g) Suitability of the urban growth configuration;

(h) Projected population density;

(i) Residential characteristics and community identities;

(j) Affordable housing needs and necessary land for affordable housing; and

(k) Plans and programs of public agencies.

(3) Following certification of the county comprehensive land use plan by the department, no urban governmental services may be extended outside of an urban growth boundary unless approved by the county legislative authority or planning commission as consistent with the comprehensive plan provisions for future urban growth, or as necessary to protect the health and safety of an existing residential population.

(4) Proposed facilities or systems to provide urban governmental services outside an urban growth boundary having a capacity to serve needs projected beyond five years in the future shall not be approved by the county unless it first amends the urban growth boundary and obtains certification of the amendment from the department.

(5) This section shall not apply to the provision of urban governmental services within the incorporated area of a city or town.

NEW SECTION. Sec. 11. STATE AGENCY PROPOSED LAND USES. (1) Except as provided in this section, all state agencies shall comply with city and county comprehensive plans and with the comprehensive plan implementation regulations of cities and counties.

(2) Where a comprehensive plan implementation regulation of a city or county does not permit outright a proposed land use by a state agency, the city or county shall provide a procedure by which the proposed use may be allowed following issuance of an extraordinary use permit.

(3) Each application for an extraordinary use permit shall be made to the legislative body of the county or city with jurisdiction. The legislative body shall conduct a hearing thereon within thirty days from the date the application is filed.

(4) A city or county may condition an extraordinary use permit to ensure consistency with its comprehensive plan and any applicable comprehensive plan implementation regulations.

(5) A city or county may deny an extraordinary use permit when it determines that the proposed use would cause unacceptably extreme impacts upon public health or safety or the environment that are not avoidable through economically feasible mitigation measures.

NEW SECTION, Sec. 12. ACTIVITIES OF STATE CONCERN. (1) The following are hereby designated activities of state concern:

(a) New airports with runways of five thousand feet or longer, additions to existing airport runways that extend the runway beyond five thousand feet, and additions of one thousand feet or longer to an existing airport runway of five thousand feet or longer;

(b) New port facilities designed to serve ships of twenty-five thousand deadweight tons or greater, and modifications to existing port facilities if the modifications provide the capacity to accommodate ships of fifty thousand deadweight tons or greater;

(c) Power transmission, gas, and oil lines creating new or expanding existing corridors which corridors or expansions are ten or more miles long, and power generation facilities requiring site certification from the energy facility site evaluation council or a permit from the federal power commission;

(d) Sewer trunk lines seventy-two inches in diameter or greater, and new sewage treatment facilities or expansion of existing sewage treatment facility capacity by fifteen percent or more in system design capacity above that necessary to serve the projected population of the service area at the time installation work is expected to be completed; PROVIDED, That sewage treatment facilities that exclusively serve four or fewer residential dwelling units are not activities of state concern;

(e) New municipal and industrial water supply systems with a capacity of five cubic feet per second or more, and additions to existing water supply systems that provide an increase of fifteen percent or more in system design capacity above that necessary to serve the projected population of the service area at the time installation work is expected to be completed;

(f) Solid waste disposal facilities with a design capacity of five hundred tons per day or greater;

(g) Correctional facilities administered by the department of corrections or department of social and health services; and

(h) Educational facilities, including facilities for higher education.

(2) A city or county shall hold at least one public hearing before making a decision whether or not to approve an activity of state concern.

(3) A city or county may condition approval of an activity of state concern to provide consistency with its comprehensive plan, and any applicable comprehensive plan implementation regulations.

(4) A city or county may deny an activity of state concern where it determines that the activity will cause unacceptably extreme adverse impacts upon public health or safety or the environment that cannot be avoided by economically feasible mitigation measures, and that these impacts outweigh the benefits of the proposed activity. Proposals for a use under subsection (1) (d) and (e) of this section shall be reviewed for consistency with the urban growth boundaries of an applicable comprehensive plan.

NEW SECTION, Sec. 13. COMPREHENSIVE PLANS—SPECIAL DISTRICTS MUST CONFORM.

(1) All special districts shall perform their activities which affect land use, including capital budget decisions, in conformity with the state-wide planning goals checklist and the comprehensive land use plan of the county or city having jurisdiction in the area where the activities occur.

(2) Within two years of the adoption of a comprehensive plan by a county or city pursuant to section 7 of this act, each special district located within such a county or city, that provides one or more of the public facilities or public services listed in this subsection, shall adopt or amend a capital facilities plan for its facilities that is consistent with the comprehensive plan and indicates the existing and projected capital facilities that are necessary to serve the projected growth for the area that is served by the special district. These public facilities or public services are: (a) Sanitary sewers; (b) potable water facilities; (c) park and recreation facilities; (d) fire suppression; (e) libraries; (f) schools; and (g) transportation, including mass transit and maritime shipping facilities.

NEW SECTION, Sec. 14. DISPUTE RESOLUTION. Whenever a dispute arises between cities and counties, or any combination thereof, concerning the consistency of a comprehensive plan of a city or county with the state-wide planning goals checklist, the consistency of development regulations of a city or county with the comprehensive plan, or the failure to adopt a

comprehensive plan or bring a comprehensive plan into conformity within a reasonable time, a visiting judge shall preside over an administrative hearing to resolve the dispute. The visiting judge shall be selected using the procedures of RCW 2.08.150 and 2.08.170 from a county not involved in the dispute.

The judge shall have all the powers of a superior court judge presiding at a civil proceeding, including the authority to order a party to amend a comprehensive plan.

The costs of any proceeding under this section, and the expenses of the visiting judge under RCW 2.08.170, shall be shared equally by every city or county that is a party to the dispute.

NEW SECTION. Sec. 15. INTENT—TRANSPORTATION PLANNING. The legislature finds that while the transportation system in Washington is owned and operated by numerous public jurisdictions, it should function as one interconnected and coordinated system. Transportation planning, at all jurisdictional levels, should be coordinated with local comprehensive plans. Further, local jurisdictions and the state should cooperate to achieve both state-wide and local transportation goals. To facilitate this coordination and cooperation among state and local jurisdictions, the legislature declares it to be in the state's interest to establish a coordinated planning program for regional transportation systems and facilities throughout the state.

NEW SECTION. Sec. 16. REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS AUTHORIZED. The legislature hereby authorizes creation of regional transportation planning organizations within the state. Each regional transportation planning organization may be formed through the voluntary association of local governments within a county, or within geographically contiguous counties. Each organization shall:

- (1) Encompass at least one complete county;
- (2) Have a population of at least one hundred thousand, or contain a minimum of three counties; and
- (3) Have as members all counties within the region, and at least sixty percent of the cities and towns within the region representing a minimum of seventy-five percent of the cities' and towns' population.

The state department of transportation must verify that each regional transportation planning organization conforms with the requirements of this section.

In urbanized areas, the regional transportation planning organization is the same as the metropolitan planning organization designated for federal transportation planning purposes.

NEW SECTION. Sec. 17. REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS—DUTIES. (1) Each regional transportation planning organization shall:

(a) Certify that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region conform with the requirements of section 8 of this act, and are consistent with regional transportation plans as provided for in (b) of this subsection;

(b) Develop and adopt a regional transportation plan that is consistent with county, city, and town comprehensive plans and state transportation plans. Regional transportation planning organizations are encouraged to use county, city, and town comprehensive plans that existed prior to the effective date of this section as the basis of its regional transportation plan whenever possible. Such plans shall address existing or planned transportation facilities and services that exhibit one or more of the following characteristics:

- (i) Physically crosses member county lines;
- (ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;
- (iii) Significant impacts are expected to be felt in more than one county;
- (iv) Potentially adverse impacts of the facility, service, or project can be better avoided or mitigated through adherence to regional policies;

(v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance;

(c) Designate a lead planning agency to coordinate preparation of the regional transportation plan. The lead planning agency may be a regional council, a county, city, or town agency, or a Washington state department of transportation district;

(d) Review the regional transportation plan biennially for currency; and

(e) Forward the adopted plan, and documentation of the biennial review of it, to the state department of transportation.

(2) All transportation projects within the region that have an impact upon regional facilities or services must be consistent with the plan.

(3) In order to ensure state-wide consistency in the regional transportation planning process, the state department of transportation shall:

(a) In cooperation with regional transportation planning organizations, establish minimum standards for development of a regional transportation plan;

(b) Facilitate coordination between regional transportation planning organizations; and

(c) Through the regional transportation planning process, and through state planning efforts as required by RCW 47.01.071, identify and jointly plan improvements and strategies within those corridors important to moving people and goods on a regional or state-wide basis.

NEW SECTION. Sec. 18. TRANSPORTATION POLICY BOARDS. Each regional transportation planning organization shall create a transportation policy board. Transportation policy boards shall provide policy advice to the regional transportation planning organization and shall allow representatives of major employers within the region, the department of transportation, transit districts, ports, and member cities, towns, and counties within the region to participate in policy making.

Sec. 19. Section 20, chapter 49, Laws of 1983 1st ex. sess. as amended by section 8, chapter 167, Laws of 1988 and RCW 36.81.121 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. (1) Before July 1st of each year, the legislative authority of each county with the advice and assistance of the county road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six calendar years. If the county has adopted a comprehensive plan pursuant to chapter 35.63 or 36.70 RCW, or the inherent authority of a charter county derived from its charter, the program shall be consistent with this comprehensive plan.

The program shall include proposed road and bridge construction work, and for those counties operating ferries shall also include a separate section showing proposed capital expenditures for ferries, docks, and related facilities. Copies of the program shall be filed with the county road administration board and with the state secretary of transportation not more than thirty days after its adoption by the legislative authority. The purpose of this section is to assure that each county shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated road construction program. The program may at any time be revised by a majority of the legislative authority but only after a public hearing thereon.

(2) The six-year program of each county having an urban area within its boundaries shall contain a separate section setting forth the six-year program for arterial road construction based upon its long-range construction plan and formulated in accordance with regulations of the transportation improvement board. The six-year program for arterial road construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative authority of each county. The six-year program for arterial road construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority of each county may request for urban arterials from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial road construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial roads than for minor and collector arterial roads, pursuant to regulations of the transportation improvement board.

(3) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and equestrian purposes.

Sec. 20. Section 35.77.010, chapter 7, Laws of 1965 as last amended by section 6, chapter 167, Laws of 1988 and RCW 35.77.010 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. (1) The legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six calendar years ~~((and shall file))~~. If the city or town has adopted a comprehensive plan pursuant to chapter 35.63 or 35A.63 RCW, or the inherent authority of a first class city derived from its charter, the program shall be consistent with this comprehensive plan.

The program shall be filed with the secretary of transportation not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program before July 1st of each year, and each one-year extension and revision shall be filed with the secretary of transportation not more than thirty days after its adoption. The purpose of this section is to assure that each city and town shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated street construction program. The program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six-year program of each city lying within an urban area shall contain a separate section setting forth the six-year program for arterial street construction based upon its long range construction plan and formulated in accordance with rules of the transportation improvement board. The six-year program for arterial street construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative body of the city. The six-year program for arterial street construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority may request for urban arterials from the urban arterial trust account or

the transportation improvement account for the six-year period. The arterial street construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial streets than for minor and collector arterial streets, pursuant to rules of the transportation improvement board: PROVIDED, That urban arterial trust funds made available to the group of incorporated cities lying outside the boundaries of federally approved urban areas within each region need not be divided between functional classes of arterials but shall be available for any designated arterial street.

(2) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycle, pedestrian, and equestrian purposes.

Sec. 21. Section 1, chapter 396, Laws of 1989 and RCW 35.58.2795 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, shall prepare a six-year transit development and financial program for that calendar year and the ensuing five years. The program shall be consistent with the comprehensive plans adopted by counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, or the inherent authority of a first class city or charter county derived from its charter. The program shall contain information as to how the municipality intends to meet state and local long-range priorities for public transportation, capital improvements, significant operating changes planned for the system, and how the municipality intends to fund program needs. Each municipality shall file the six-year program with the state department of transportation, the transportation improvement board, and cities, counties, and regional planning councils within which the municipality is located.

In developing its program, the municipality shall consider those policy recommendations affecting public transportation contained in the state transportation policy plan approved by the state transportation commission and, where appropriate, adopted by the legislature. The municipality shall conduct one or more public hearings while developing its program and for each annual update.

NEW SECTION. Sec. 22. A new section is added to chapter 36.70 RCW to read as follows:

A county adopting a comprehensive plan pursuant to chapter 36.____ RCW (sections 1 through 14 of this act) shall be deemed to be in compliance with RCW 36.70.320 and 36.70.330.

NEW SECTION. Sec. 23. A new section is added to chapter 35.63 RCW to read as follows:

A city or town adopting a comprehensive plan pursuant to chapter 36.____ RCW (sections 1 through 14 of this act) shall be deemed to be in compliance with RCW 35.63.080 through 35.63.110.

NEW SECTION. Sec. 24. A new section is added to chapter 35A.63 RCW to read as follows:

A code city adopting a comprehensive plan pursuant to chapter 36.____ RCW (sections 1 through 14 of this act) shall be deemed to be in compliance with RCW 35A.63.060 through 35A.63.062.

NEW SECTION. Sec. 25. A new section is added to chapter 35.63 RCW to read as follows:

Each city and county that has a comprehensive plan, zoning ordinances, building codes, or other land use controls establishing areas within the city or town where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption, or marriage to an owner and occupant of the single family dwelling for the purpose of extended family care. These separate living quarters shall be authorized by conditional use permits, subject to state and local building standards adopted under chapter 19.27 RCW.

NEW SECTION. Sec. 26. A new section is added to chapter 35A.63 RCW to read as follows:

Each city and code city that has a comprehensive plan, zoning ordinances, building codes, or other land use controls establishing areas within the city or code city where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption, or marriage to an owner and occupant of the single family dwelling for the purpose of extended family care. These separate living quarters shall be authorized by conditional use permits, subject to state and local building standards adopted under chapter 19.27 RCW.

NEW SECTION. Sec. 27. A new section is added to chapter 36.70 RCW to read as follows:

Each county that has a comprehensive plan, zoning ordinances, building codes, or other land use controls establishing areas within the county where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption, or marriage to an owner and occupant of the single family dwelling for the purpose of extended family care. These separate living quarters shall be authorized by conditional use permits, subject to state and local building standards adopted under chapter 19.27 RCW.

NEW SECTION. Sec. 28. INTENT—RURAL ECONOMIC DEVELOPMENT. The legislature finds that the Puget Sound region is experiencing economic prosperity and the challenges associated with rapid growth. Much of the rest of the state is not experiencing economic prosperity, and faces challenges associated with slow economic growth. It is the intent of the legislature to encourage economic prosperity and balanced economic growth throughout the state.

In order to accomplish this goal, growth must be managed more effectively in the Puget Sound region, and rural areas must build local capacity to accommodate additional economic activity in their communities. Where possible, rural economies and low-income areas should be linked with prosperous urban economies to share economic growth for the benefit of all areas of the state.

Sec. 29. Section 1, chapter 20, Laws of 1983 1st ex. sess. as amended by section 1, chapter 231, Laws of 1985 and RCW 43.210.010 are each amended to read as follows:

EXPORT ASSISTANCE CENTER—ENCOURAGE URBAN-RURAL LINKS. The legislature finds:

(1) The exporting of goods and services from Washington to international markets is an important economic stimulus to the growth, development, and stability of the state's businesses in both urban and rural areas, and that these economic activities create needed jobs for Washingtonians.

(2) Impediments to the entry of many small and medium-sized businesses into export markets have restricted growth in exports from the state.

(3) Particularly significant impediments for many small and medium-sized businesses are the lack of easily accessible information about export opportunities and financing alternatives.

(4) There is a need for a small business export finance assistance center which will specialize in providing export assistance to small and medium-sized businesses throughout the state in acquiring information about export opportunities and financial alternatives for exporting.

Sec. 30. Section 2, chapter 20, Laws of 1983 1st ex. sess. as amended by section 2, chapter 231, Laws of 1985 and RCW 43.210.020 are each amended to read as follows:

EXPORT ASSISTANCE CENTER—ENCOURAGE URBAN-RURAL LINKS. A nonprofit corporation, to be known as the small business export finance assistance center, and branches subject to its authority, may be formed under chapter 24.03 RCW for the following public purposes:

(1) To assist small and medium-sized businesses in both urban and rural areas in the financing of export transactions.

(2) To provide, singly or in conjunction with other organizations, information and assistance to these businesses about export opportunities and financing alternatives.

(3) To provide information to and assist those businesses interested in exporting products, including the opportunities available to them in organizing export trading companies under the United States export trading company act of 1982, for the purpose of increasing their comparative sales volume and ability to export their products to foreign markets.

Sec. 31. Section 1, chapter 466, Laws of 1985 and RCW 43.31.005 are each amended to read as follows:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT—ENCOURAGE GROWTH STATE-WIDE. The legislature of the state of Washington finds that economic development is an essential public purpose which requires the active involvement of state government. The state's primary economic strategy is to encourage the retention and expansion of existing businesses, to attract new businesses and industries, ((and)) to foster the formation of new businesses, and to economically link rural communities with urban areas. In order to aid the citizens of Washington to obtain desirable employment and achieve adequate incomes, it is necessary for the state to encourage balanced growth and economic prosperity and to promote a more diversified and healthy economy throughout the state.

The legislature finds that the state needs to improve its level of employment, business activity, and revenue growth. In order to increase job opportunities and revenues, a broader and more stable economic base is needed. The state shall take primary responsibility to encourage the balanced growth of the economy consistent with the preservation of Washington's quality of life and environment. A healthy economy can be achieved through partnership efforts with the private sector to facilitate increased investment in Washington. It is the policy of the state of Washington to encourage and promote an economic development program that provides sufficient employment opportunities for our current resident work force and those individuals who will enter the state's work force in the future.

The legislature finds that the state of Washington has the potential to become a major world trade gateway. In order for Washington to fulfill its potential and compete successfully with other states and provinces, it must articulate a consistent, long-term trade policy. It is the responsibility of the state to monitor and ensure that such traditional functions of state government as transportation, infrastructure, education, taxation, regulation and public expenditures contribute to the international trade focus the state of Washington must develop.

Sec. 32. Section 4, chapter 466, Laws of 1985 and RCW 43.31.035 are each amended to read as follows:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT—ENCOURAGE GROWTH STATE-WIDE. The department shall pursue a coordinated approach for the state's economic

development policies and programs to achieve a more diversified and healthy economy. The department shall support and work cooperatively with other state agencies, public and private organizations, and units of local government, as well as the federal government, to strengthen and coordinate economic development programs ~~((tm))~~ throughout the state. The department's activities shall include, but not be limited to:

(1) Providing economic development advisory assistance to the governor, other state agencies, and the legislature on economic-related issues, and other matters affecting the economic well-being of the state and all its citizens.

(2) Providing staff and support to cabinet level interagency economic development coordinating activities.

(3) Representing and monitoring the state's interests with the federal government in its formulation of policies and programs in economic development.

(4) Assisting in the development and implementation of a long-term economic strategy for the state that encourages a balance in economic growth between urban and rural areas and that stimulates economic development in areas not experiencing problems associated with rapid growth, and assisting the continual update of information and strategies contained in the long-term economic program for the state.

Sec. 33, Section 5, chapter 125, Laws of 1984 as amended by section 137, chapter 266, Laws of 1986 and RCW 43.63A.065 are each amended to read as follows:

DEPARTMENT OF COMMUNITY DEVELOPMENT—PRIORITIZE BASED ON NEED. The department shall have the following functions and responsibilities:

(1) Cooperate with and provide technical and financial assistance to the local governments and to the local agencies serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give priority to local communities with the greatest relative need and the fewest resources.

(2) Administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

(3) Administer community services programs through private, nonprofit organizations and units of general purpose local government; these programs are directed to the poor and infirm and include community-based efforts to foster self-sufficiency and self-reliance, energy assistance programs, head start, and weatherization.

(4) Study issues affecting the structure, operation, and financing of local government as well as those state activities which involve relations with local government and report the results and recommendations to the governor, legislature, local government, and citizens of the state.

(5) Assist the governor in coordinating the activities of state agencies which have an impact on local governments and communities.

(6) Provide technical assistance to the governor and the legislature on community development policies for the state.

(7) Assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for low and moderate income persons, and qualify as a participating state agency for all programs of the Department of Housing and Urban Development or its successor.

(8) Support and coordinate local efforts to promote volunteer activities throughout the state.

(9) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions.

(10) Hold public hearings and meetings to carry out the purposes of this chapter.

(11) Provide a comprehensive state-level focus for state fire protection services, funding, and policy.

(12) Administer a program to identify, evaluate, and protect properties which reflect outstanding elements of the state's cultural heritage.

(13) Coordinate a comprehensive state program for mitigating, preparing for, responding to, and recovering from emergencies and disasters.

NEW SECTION, Sec. 34. A new section is added to chapter 43.31 RCW to read as follows:

ASSOCIATE DEVELOPMENT ORGANIZATION NETWORK FORMALIZED. (1) There is established in the department the local economic development service program. This program shall coordinate the delivery of economic development services to local communities or regional areas. It shall encourage a partnership between the public and private sectors and between state and local officials to encourage appropriate economic growth in communities throughout the state.

(2) The department's local economic development service program shall promote local economic development by assisting businesses to start-up, maintain, or expand their operations, by encouraging public infrastructure investment and private capital investment in local communities, and by expanding employment opportunities.

(3) The department's local economic development service program shall, among other things, (a) contract with local economic development nonprofit corporations, called 'associate

development organizations; for the delivery of economic development services to local communities or regional areas; (b) enter into interagency agreements with appropriate state agencies, such as the department of community development, the department of agriculture, and the employment security department, to coordinate the delivery of economic development services to local communities or regional areas; (c) enter into agreements with other public organizations or institutions that provide economic development services, such as the small business development center, the Washington technology center, community colleges, vocational-technical institutes, the University of Washington, Washington State University, four-year colleges and universities, the federal small business administration, ports, and others, to coordinate the delivery of economic development services to local communities and regional areas; and (d) provide training, through contracts with public or private organizations, and other assistance to associate development organizations to the extent resources allow.

(4) It is the intent of the legislature that the associate development organizations coordinate, through local service agreements or other methods, the delivery of all available economic development services in their areas that are provided by public and private organizations, including state agencies.

(5) The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to more effectively build the local capacity of communities in the region.

(6) It is the intent of the legislature that state agencies and other public and private organizations enter into agreements with the department or associate development organizations to enhance the delivery of economic development services to local communities.

NEW SECTION, Sec. 35. A new section is added to chapter 43.31 RCW to read as follows:

INDUSTRIAL COMPETITIVENESS PROGRAM. The business assistance center within the department of trade and economic development shall create an industrial competitiveness program. The program shall (1) assist in the creation of self-supporting industry associations that develop cooperative programs for enhancing the competitiveness of their members, and (2) conduct an industrial census for use in sectoral assistance. The department may contract with educational institutions, private consultants, or nonprofit organizations to facilitate the program's efforts.

The department shall report to the legislature by January 1, 1991, on the work of the program and make recommendations to the legislature on strategies and delivery systems for improving the competitiveness of new and mature manufacturing sectors in the state.

NEW SECTION, Sec. 36. EVALUATION OF RESEARCH AND DEVELOPMENT PROGRAMS. (1) The department of trade and economic development shall contract for an evaluation of publicly supported programs in the state that conduct research and development, provide technology transfer and commercialization services, and provide industrial extension services. The evaluation shall focus on the economic development and educational links to such programs.

(2) The department shall contract with a national expert on public sector involvement in science and technology and the utilization of applied research to support economic development.

(3) The evaluation shall analyze, among other things:

(a) The current public and private sector science and technology efforts in Washington state;

(b) The current public and private sector technology development, transfer, and commercialization efforts in Washington state;

(c) The current university-industry and private-public sector relationships in science and technology in Washington state;

(d) The current industrial extension activities of state educational institutions;

(e) The extent to which the efforts in (a), (b), (c), and (d) of this subsection are organized and coordinated on a state-wide basis;

(f) The current public sector efforts to transfer or protect new technology, including (i) the office of technology transfer at the University of Washington, (ii) the Washington research foundation, and (iii) the Washington State University research foundation; and

(g) The Washington technology center, created under RCW 28B.20.285, by conducting a comprehensive program strategy evaluation assessing the accomplishments and activities of the center regarding its perceived goals and objectives. The program strategy evaluation shall consider, but not be limited to:

(i) The science and technology areas focused on by the center in relation to the strengths and opportunities in the region and the state;

(ii) The economic impact of the Washington technology center to date;

(iii) Access to the Washington technology center throughout the state and by small and medium-sized businesses;

(iv) The commercialization of the Washington technology center's new technology;

(v) Whether the research is basic or applied and academically driven or industry-driven; and

(vi) The quality of the research.

(4) The evaluation required under this section shall include recommendations to the governor and the legislature. The recommendations shall be based on the reviews conducted under subsection (3) of this section and shall consider the efforts of other states in science and technology. The recommendations shall include, but not be limited to, the following:

(a) What structures the state should consider to most effectively identify and manage its science and technology interests;

(b) How the state can better coordinate public and private efforts in science and technology, particularly technology development, commercialization, and industrial extension;

(c) How the state can encourage and facilitate a greater number of entrepreneurs and small and medium-sized businesses having input and access to the Washington technology center, as well as access to commercially promising research being done at the state's universities and colleges;

(d) How the state can better assist in the formation of new business and the expansion of existing business to develop commercially promising technology into products and processes that result in more jobs and capital in the state;

(e) How public funds invested in science and technology can be effectively accounted for and evaluated; and

(f) Should the Washington technology center's structure or goals be changed based on the evaluation under subsection (3)(g) of this section.

(5) The department shall submit the evaluation and recommendations to the legislature and the governor by December 1, 1990.

NEW SECTION, Sec. 37. A new section is added to chapter 43.17 RCW to read as follows:

EXPEDITIOUS EXERCISE OF POWER TO ISSUE PERMITS, LICENSES, CERTIFICATIONS, CONTRACTS, AND GRANTS—COOPERATION. Where power is vested in a department to issue permits, licenses, certifications, contracts, grants, or otherwise authorize action on the part of individuals, businesses, local governments, or public or private organizations, such power shall be exercised in an expeditious manner. All departments with such power shall cooperate with officials of the business assistance center of the department of trade and economic development, and any other state officials, when such officials request timely action on the part of the issuing department.

NEW SECTION, Sec. 38. A new section is added to chapter 43.31 RCW to read as follows:

ASSISTANCE IN OBTAINING PERMITS, LICENSES, CERTIFICATIONS, AND GRANTS—RECOMMENDATIONS. (1) The business assistance center is authorized to assist individuals, businesses, local governments, and public or private organizations in obtaining permits, licenses, certifications, contracts, and grants that relate to economic development in the state and are required by law to be issued by state agencies.

(2) The business assistance center shall make recommendations to the governor and the legislature by January 1, 1991, regarding improvements in the processing of permits, licenses, certifications, contracts, and grants by state agencies. Such recommendations shall include recommendations on a process for resolving disputes that may arise when state agencies are requested to issue a permit, license, certification, contract, or grant.

NEW SECTION, Sec. 39. A new section is added to chapter 43.31 RCW to read as follows:

BID INFORMATION. The business assistance center of the department of trade and economic development shall make available on its electronic bulletin board a listing of all open bids issued by state agencies. The business assistance center shall develop and implement a marketing plan for this service to businesses and associate development organizations in the state.

The information made available on each bid shall include:

(1) A summary of the goods or services being requested;

(2) The start or delivery date specified in the bid request;

(3) The name, address, and telephone number of an individual from whom a business can obtain a complete bid package and further information; and

(4) When the bid is due.

The bid information may also be made available on a subscription basis through the mail. The business assistance center may charge a fee for bid information provided either electronically or through the mail to offset its costs. Associate development organizations shall receive bid information free of charge.

NEW SECTION, Sec. 40. A new section is added to chapter 43.19 RCW to read as follows:

BID INFORMATION—NOTIFICATION. 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 shall, when soliciting bids, notify the business assistance center of the department of trade and economic development in a format prescribed by the business assistance center and where possible by direct input to the electronic bulletin board, or if not possible by direct input, by either providing the information on a compatible data disk or if a compatible data disk is not reasonably possible, in writing, of the bid solicitation so that the information may be made available on the center's electronic bulletin board. The notification to the business assistance center shall include:

- (1) A summary of the goods or services being requested;
- (2) The start or delivery date specified in the bid request;
- (3) The name, address, and telephone number of an individual from whom a business can obtain a complete bid package and further information; and
- (4) When the bid is due.

The requirement of this section shall not apply to telephone requests for quotes authorized by the Washington state information services board created under chapter 43.105 RCW.

NEW SECTION. Sec. 41. A new section is added to chapter 82.32 RCW to read as follows:

BID INFORMATION—NOTICE TO BUSINESSES. The department of revenue shall send out a notice on the availability of bid information provided by the business assistance center under section 39 of this act twice during fiscal year 1991 and once yearly thereafter to all businesses paying taxes in this state.

Sec. 42. Section 12, chapter 446, Laws of 1985 as last amended by section 3, chapter 93, Laws of 1988 and RCW 43.155.070 are each amended to read as follows:

PUBLIC WORKS ASSISTANCE FUND—CONSIDER BENEFITS TO COMMUNITY. (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) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(g) Other criteria that the board considers advisable.

(3) 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.

(4) 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 description of the emergency loans made under RCW 43.155.065 during the preceding fiscal year and 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.

(5) 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.

(6) Subsections (4) and (5) of this section do not apply to loans made for emergency public works projects under RCW 43.155.065.

Sec. 43. Section 6, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 62, chapter 431, Laws of 1989 and RCW 43.160.060 are each amended to read as follows:

COMMUNITY ECONOMIC REVITALIZATION BOARD—CONSIDER BENEFITS TO RURAL COMMUNITY—DESTINATION TOURIST RESORTS. The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not make a grant or loan:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that probably would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only make grants or loans:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, ~~(and)~~ industrial distribution, and destination tourist resorts; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-linking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; or (iv) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the grant or loan is made.

(3) The board shall prioritize each proposed project according to the relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located. As long as there is more demand for loans or grants than there are funds available for loans or grants, the board is instructed to fund projects in order of their priority.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any loan or grant application is approved, the political subdivision seeking the loan or grant must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 44. Section 2, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 58, chapter 466, Laws of 1985 and RCW 43.160.020 are each amended to read as follows:

DESTINATION TOURIST RESORTS—DEFINITION. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Board' means the community economic revitalization board.

(2) 'Bond' means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) 'Department' means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) 'Destination tourist resort' means a master planned tourism and recreation complex that:

(a) is developed primarily as a location for recreation and tourism activities that will be used primarily by nonresidents of the immediate area;

(b) Has elements that typically attract visitors for extended stays of two days or more;

(c) Includes: (i) Lodging facilities; (ii) eating and drinking establishments; and (iii) recreation and tourism amenities; and

(d) is generally located away from densely populated areas.

(5) 'Financial institution' means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

~~((5))~~ (6) 'Industrial development facilities' means 'industrial development facilities' as defined in RCW 39.84.020.

~~((6))~~ (7) 'Industrial development revenue bonds' means tax-exempt revenue bonds used to fund industrial development facilities.

((7)) (8) 'Local government' means any port district, county, city, or town.

((8)) (9) 'Sponsor' means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

((9)) (10) 'Umbrella bonds' means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

((10)) (11) 'User' means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

Sec. 45. Section 5, chapter 164, Laws of 1985 as last amended by section 9, chapter 430, Laws of 1989 and RCW 43.168.050 are each amended to read as follows:

DEVELOPMENT LOAN FUND COMMITTEE—CONSIDER BENEFITS TO RURAL COMMUNITY.

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Will result in the creation of employment opportunities or the maintenance of threatened employment;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, and the employment of disadvantaged workers, will primarily accrue to residents of the area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(4) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(5) (a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(6) The committee shall fix the terms and rates pertaining to its loans.

(7) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the 'greatest amount of employment or benefit' the committee shall also consider the employment which would be saved by its loan and the benefit relative to the community, not just the total number of new jobs or jobs saved.

(8) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(9) The committee shall not approve any application to finance or help finance a shopping mall.

(10) The committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. The committee shall not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

(11) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

Sec. 46. Section 7, chapter 125, Laws of 1984 as amended by section 33, chapter 505, Laws of 1987 and RCW 43.63A.078 are each amended to read as follows:

TECHNICAL ASSISTANCE GRANTS. (1) The department shall develop and administer a local development matching fund program. To be eligible to receive funds under this program, an organization must be a local government or a nonprofit local development entity. Any local government or entity requesting funds must demonstrate the participation of a cross-section of the local community in the economic development project, including business, labor, education and training, and the public sector. Under this program, the department shall provide matching funds which shall be used for the formulation of local economic development strategies, including the technical analysis necessary to designate and carry out the strategies. A technical analysis can include, but is not limited to, the development and dissemination of data on local markets, demographics, comparative business costs, site availability, labor force characteristics, and local incentives. Funds are to be used primarily to foster new developments and expansions which result in the trading of goods and services outside of the state's borders. Funds may be made available for assisting local businesses in utilizing state and federal programs in exporting, training, and financing. Funds may also be used to provide technical assistance to businesses in the areas of land use, transportation, site location, and manpower training. Matching funds cannot be used for entertainment, capital expenses, hosting, or marketing. Funds granted for economic development projects must be matched by local resources on a dollar-for-dollar basis. Not more than fifty thousand dollars of state matching funds as provided by this section may be used for any one project.

(2) The department shall set aside, within its general fund appropriation, a sum of two hundred thousand dollars per biennium for technical assistance grants to assist community-based organizations in their efforts contributing to the redevelopment and economic well-being of low-income areas.

A maximum of forty percent of the funds set aside for technical assistance purposes provided in this subsection may be made available for technical assistance in organizational and board development to those organizations demonstrating a reasonable probability that such assistance will help them undertake a development project. A minimum of sixty percent of the funds set aside for technical assistance purposes shall be used for projects which meet the following standards:

(a) Community-based organizations have or will have a minimum ten percent ownership of the development project;

(b) The project is within a low-income area;

(c) The project has provided reasonable assurance that it will conform to all applicable environmental, zoning, and building laws;

(d) The benefits of the project, including the addition or retention of employment and of capital in the low-income area, shall primarily accrue to the residents of the area;

(e) There is a reasonable expectation that the project will be successful, and that the eligible organization and project participants are responsible parties;

(f) Alternative sources, including other agencies or institutions of the state or federal government, have been sought and are either insufficient or unavailable to meet the needs of the project;

(g) The technical assistance to be provided is essential to the success of the project;

(h) Provision has been made for the active participation in the project of residents of the low-income area; and

(i) Provisions have been made for reporting by the eligible organization concerning the manner in which the technical assistance is used on the project and the extent to which it achieves its intended results.

The amount required to be set aside under this section for the biennium ending June 30, 1991, shall be reduced or eliminated if a specific appropriation for the full amount required under this subsection is not made to the department by June 30, 1989.

Grant recipients under this subsection may be community-based organizations or state-wide organizations which provide technical assistance to community-based organizations.

(3) For purposes of subsection (2) of this section, 'community-based organization' means:

(a) A nonprofit corporation organized under state law that:

(i) Is organized to operate within a specific substate area;

(ii) Has experience operating programs which directly benefit low-income citizens;

(iii) Has low-income people or representatives of organizations serving the low income on its board of directors.

(b) Any Native American tribal governing body.

NEW SECTION. Sec. 47. A new section is added to chapter 43.63A RCW to read as follows:

LOW-INCOME SELF EMPLOYMENT. The department of community development shall implement a self-employment loan program. The program shall provide grants to local development organizations to use solely in revolving loan funds to finance the small businesses of low-income persons. Grants are to be distributed through a competitive application process to be administered by the department in consultation with an advisory committee. Any organization receiving a grant must: (1) Demonstrate the need for a low-income, self-employment project in its community; (2) demonstrate the capacity of the organization to administer the project; and (3) describe the loan procedure and the self-employment training and support

programs into which the loan fund will be incorporated. No grant shall be greater than sixty thousand dollars. An organization may provide loans from the grant award of no greater than five thousand dollars. No more than ten percent of any appropriation to the department for the program may be used by the department for administrative costs.

NEW SECTION. Sec. 48. APPROPRIATION--GENERAL FUND. Three million dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of community development, for the biennium ending June 30, 1991, solely for the purpose of implementing section 4 of this act.

NEW SECTION. Sec. 49. (1) Sections 1 through 14 of this act shall constitute a new chapter in Title 36 RCW.

(2) Sections 15 through 18 of this act shall constitute a new chapter in Title 47 RCW.

Sec. 50. Section 5, chapter 137, Laws of 1974 ex. sess. as last amended by section 47, chapter 36, Laws of 1988 and RCW 76.09.050 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource that may be conducted without submitting an application or a notification;

Class II: Forest practices which have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. Class II shall not include forest practices:

(a) On lands platted after January 1, 1960, or being converted to another use;

(b) Which require approvals under the provisions of the hydraulics act, RCW 75.20.100;

(c) Within 'shorelines of the state' as defined in RCW 90.58.030; or

(d) Excluded from Class II by the board;

Class III: Forest practices other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application;

Class IV: Forest practices other than those contained in Class I or II: (a) On lands platted after January 1, 1960, (b) on lands being converted to another use, (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, and/or (d) which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. Such evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the state environmental policy act.

(2) No Class II, Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended: PROVIDED, That any person commencing a forest practice during 1974 may continue such forest practice until April 1, 1975, if such person has submitted an application to the department prior to January 1, 1975: PROVIDED, FURTHER, That in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) If a notification or application is delivered in person to the department by the operator or his agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Forest practices shall be conducted in accordance with the forest practices regulations, orders and directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) The department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in

which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days: PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section. Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology, wildlife, and fisheries, and to the county (~~in which~~), city, or town in whose jurisdiction the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

(6) If the county, city, or town believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

(7) The department shall not approve portions of applications to which a county, city, or town objects if:

(a) The department receives written notice from the county, city, or town of such objections within fourteen business days from the time of transmittal of the application to the county, city, or town, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to lands either:

(i) Platted after January 1, 1960; or

(ii) Being converted to another use.

The department shall either disapprove those portions of such application or appeal the county, city, or town objections to the appeals board. If the objections related to subparagraphs (b) (i) and (ii) of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county, city, or town consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county, city, or town objections. Unless the county, city, or town either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county, city, or town objections has expired.

(8) In addition to any rights under the above paragraph, the county, city, or town may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(9) Appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.220(8). In such appeals there shall be no presumption of correctness of either the county, city, or town or the department position.

(10) The department shall, within four business days notify the county, city, or town of all notifications, approvals, and disapprovals of an application affecting lands within the county, city, or town, except to the extent the county, city, or town has waived its right to such notice.

(11) A county, city, or town may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

Sec. 51. Section 6, chapter 137, Laws of 1974 ex. sess. as amended by section 3, chapter 200, Laws of 1975 1st ex. sess. and RCW 76.09.060 are each amended to read as follows:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices regulations shall specify by whom and under what conditions the notification and application shall be signed. The application or notification shall be delivered in person or sent by certified mail to the department. The information required may include, but shall not be limited to:

(a) Name and address of the forest land owner, timber owner, and operator;

(b) Description of the proposed forest practice or practices to be conducted;

(c) Legal description of the land on which the forest practices are to be conducted;

(d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and major tractor roads;

(e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

(f) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices regulations;

(g) Soil, geological, and hydrological data with respect to forest practices;

(h) The expected dates of commencement and completion of all forest practices specified in the application;

(i) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources; and

(j) An affirmation that the statements contained in the notification or application are true.

(2) At the option of the applicant, the application or notification may be submitted to cover a single forest practice or any number of forest practices within reasonable geographic or political boundaries as specified by the department. Long range plans may be submitted to the department for review and consultation.

(3) The application shall indicate whether any land covered by the application will be converted or is intended to be converted to a use other than commercial timber production within three years after completion of the forest practices described in it.

(a) If the application states that any such land will be or is intended to be so converted:

(i) The reforestation requirements of this chapter and of the forest practices regulations shall not apply if the land is in fact so converted unless applicable alternatives or limitations are provided in forest practices regulations issued under RCW 76.09.070 as now or hereafter amended;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.28, 84.33, and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city, town, and regional governmental authority permitted under RCW 76.09.240 as now or hereafter amended as well as the forest practices regulations.

(b) If the application does not state that any land covered by the application will be or is intended to be so converted:

(i) For six years after the date of the application the county ((or); city, town, and regional governmental entities may deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of land subject to the application;

(ii) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal from classification under the provisions of RCW 84.28.065, a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes; and

(iii) Conversion to a use other than commercial timber operations within three years after completion of the forest practices without the consent of the county ((or municipality)), city, or town shall constitute a violation of each of the county, municipal city, town, and regional authorities to which the forest practice operations would have been subject if the application had so stated.

(c) The application shall be either signed by the land owner or accompanied by a statement signed by the land owner indicating his or her intent with respect to conversion and acknowledging that he or she is familiar with the effects of this subsection.

(4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department two days before the commencement of actual operations.

(5) Before the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, there shall be submitted to the department a new application or notification form in the manner set forth in this section.

(6) The notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of one year from the date of approval or notification and shall not be renewed unless a new application is filed and approved or a new notification has been filed.

(7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice.

NEW SECTION. Sec. 52. Section headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 53. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "growth;" strike the remainder of the title and insert "amending RCW 36.81.121, 35.77.010, 35.58.2795, 43.210.010, 43.210.020, 43.31.005, 43.31.035, 43.63A.065, 43.155.070, 43.160.060, 43.160.020, 43.168.050, 43.63A.078, 76.09.050, and 76.09.060;

adding new sections to chapter 36.70 RCW; adding new sections to chapter 35.63 RCW; adding new sections to chapter 35A.63 RCW; adding a new chapter to Title 36 RCW; adding a new chapter to Title 47 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.63A RCW; creating new sections; and making an appropriation."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Jesernig moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 2929 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Nutley, Cantwell and Betrozoff as conferees on Engrossed Substitute House Bill No. 2929.

MOTION

On motion of Ms. Cole, Representative Baugher was excused.

Representative Vekich appeared at the bar of the House.

MESSAGE FROM THE SENATE

March 9, 1990

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6407,
SUBSTITUTE SENATE BILL NO. 6639,
ENGROSSED SENATE BILL NO. 6904,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 3030 by Representatives Vekich, O'Brien, Prentice, Jones, Cole, Leonard, R. King, Anderson and Wang

AN ACT Relating to the employment of minors; amending RCW 49.12.170; adding new sections to chapter 49.12 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SSB 6407 by Committee on Ways & Means (originally sponsored by Senators McDonald, Gaspard, Rasmussen and Conner; by request of Governor)

Adopting the supplemental operating budget.

SSB 6639 by Committee on Ways & Means (originally sponsored by Senators McDonald, McMullen, Bluechel, Niemi, Patrick, Warnke, Metcalf, Vognild, Bailey, Conner, Talmadge, Rinehart, Williams, Murray, Moore and von Reichbauer)

Authorizing a real estate excise tax for the acquisition of conservation areas.

ESB 6904 by Senators Newhouse, Benitz, Warnke, Smitherman, Stratton, Wojahn, Bender, Sutherland, Vognild, Rasmussen, Talmadge, Fleming, Conner, Patrick, Murray, Madsen, Moore, McMullen, Hayner, Anderson, Cantu and Gaspard

Providing local government fiscal assistance.

The Speaker referred House Bill No. 3030 listed on today's supplemental introduction sheet under the fourth order of business to the committee so designated.

MOTION

Mr. Heavey moved that the rules be suspended and that Substitute Senate Bill No. 6407 be placed on second reading. The motion was carried.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 6407, by Committee on Ways & Means (originally sponsored by Senators McDonald, Gaspard, Rasmussen and Conner; by request of Governor)

Adopting the supplemental operating budget.

The bill was read the second time.

Mr. Wang moved that the committee amendments by Committee on Appropriations as amended be adopted. (For previous action, see Journal, Regular Session, 51st Day, February 27, 1990.)

Mr. Wang spoke in favor of adoption of the committee amendments as amended, and Mr. Holland opposed them. The committee amendments as amended were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6407 as amended by the House, and the bill passed the House by the following vote: Yeas, 67; nays, 29; excused, 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Van Luvan, Vekich, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Ferguson, Forner, Fuhrman, Hankins, Horn, May, McLean, Miller, Moyer, Nealey, Padden, Prince, Schoon, Silver, Smith, Sommers D, Tate, Walker, Wilson S, Wolfe, Wood, Youngsman - 29.

Excused: Representative Baugher - 1.

Substitute Senate Bill No. 6407 as amended by the House, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Mr. Heavey, Representative Gallagher was excused.

MOTION

Mr. Heavey moved that the rules be suspended and that Substitute Senate Bill No. 6639 be placed on second reading. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6639, by Committee on Ways & Means (originally sponsored by Senators McDonald, McMullen, Bluechel, Niemi, Patrick, Warnke, Metcalf, Vognild, Bailey, Conner, Talmadge, Rinehart, Williams, Murray, Moore and von Reichbauer)

Authorizing a real estate excise tax for the acquisition of conservation areas.

The bill was read the second time.

Mr. Wang moved that the committee amendments by Committee on Revenue as amended be adopted. (For previous action, see Journal, Regular Session, 54th Day, March 2, 1990.)

Mr. Wang spoke in favor of adoption of the committee amendments as amended, and they were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Basich and Holland spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6639 as amended by the House, and the bill passed the House by the following vote: Yeas, 50; nays, 45; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Belcher, Betzoff, Braddock, Brekke, Brooks, Brough, Cantwell, Cole, Dellwo, Ebersole, Ferguson, Fisher G, Fisher R, Fraser, Haugen, Hine, Jacobsen, Jones, King R, Kremen, Leonard, Locke, Miller, Nelson, O'Brien, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Youngsman, and Mr. Speaker - 50.

Voting nay: Representatives Basich, Beck, Bennett, Bowman, Brumsickle, Cooper, Crane, Day, Dorn, Doty, Forner, Fuhrman, Grant, Hankins, Hargrove, Heavey, Holland, Horn, Inslee, Jesernig, King P, Kirby, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nutley, Padden, Peery, Rayburn, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Winsley, Wolfe, Wood, Zellinsky - 45.

Excused: Representatives Baugher, Gallagher - 2.

Substitute Senate Bill No. 6639 as amended by the House, having received the constitutional majority, was declared passed.

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

MOTION

Mr. Heavey moved that the rules be suspended and that Engrossed Senate Bill No. 6904 be placed on second reading. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 6904, by Senators Newhouse, Benitz, Warnke, Smitherman, Stratton, Wojahn, Bender, Sutherland, Vognild, Rasmussen, Talmadge, Fleming, Conner, Patrick, Murray, Madsen, Moore, McMullen, Hayner, Anderson, Cantu and Gaspard

Providing local government fiscal assistance.

The bill was read the second time.

Mr. Wang moved that the amendments by Representatives Wang, Haugen and Braddock adopted on March 2, 1990 be adopted. (For previous action, see Journal, Regular Session, 54th Day, March 2, 1990.)

Mr. Wang spoke in favor of adoption of the amendments, and Mr. Horn spoke against them. The amendments were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6904 as amended by the House, and the bill passed the House by the following vote: Yeas, 64; nays, 31; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott,

Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 64.

Voting nay: Representatives Ballard, Beck, Bennett, Betzoff, Bowman, Brooks, Brough, Brumsickle, Doty, Ferguson, Forner, Fuhrman, Hankins, Holland, Horn, Kirby, May, McLean, Miller, Moyer, Padden, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wolfe, Wood, Youngsman - 31.

Excused: Representatives Baugher, Gallagher - 2.

Engrossed Senate Bill No. 6904 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker (Mr. Vekich presiding) called the House to order.

MESSAGES FROM THE SENATE

March 9, 1990

Mr. Speaker:

The Senate has passed:

REENGROSSED HOUSE BILL NO. 2667,

REENGROSSED HOUSE BILL NO. 2888,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 9, 1990

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929. The President has appointed the following members as conferees: Senators McCaslin, Vognild and Amondson.

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE SENATE

March 9, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 6407 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators McDonald, Gaspard and Cantu, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Todd moved that the House grant the request of the Senate for a conference on Substitute Senate Bill No. 6407. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Vekich presiding) appointed Representatives Locke, Ebersole and Silver as conferees on Substitute Senate Bill No. 6407.

MESSAGE FROM THE SENATE

March 9, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 6639 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators McDonald, McMullen and Hayner, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Todd moved that the House grant the request of the Senate for a conference on Substitute Senate Bill No. 6639. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Vekich presiding) appointed Representatives Wang, Spanel and Youngsman as conferees on Substitute Senate Bill No. 6639.

MESSAGE FROM THE SENATE

March 9, 1990

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 6904 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators McCaslin, Fleming and Anderson, and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Todd moved that the House grant the request of the Senate for a conference on Engrossed Senate Bill No. 6904. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Vekich presiding) appointed Representatives Haugen, Braddock and Horn as conferees on Engrossed Senate Bill No. 6904.

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

MOTION

On motion of Mr. Todd, the House adjourned until 1:30 p.m., Monday, March 12, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

FOURTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Monday, March 12, 1990

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding).

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

INTRODUCTION AND FIRST READING

HB 3031 by Representatives H. Sommers, Schoon and O'Brien

AN ACT Relating to state financing of modernization and construction of public schools; amending section 710, chapter 12, Laws of 1989 1st ex. sess.; and adding a new section to chapter 12, Laws of 1989 1st ex. sess. (uncodified).

Referred to Committee on Capital Facilities & Financing

The Speaker (Mr. O'Brien presiding) referred the bill listed on today's introduction sheet under the fourth order of business to the committee so designated.

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

MOTION

On motion of Mr. Jacobsen, the House adjourned until 1:30 p.m., Thursday, March 15, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

SEVENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Thursday, March 15, 1990

The House was called to order at 1:30 p.m. by the Speaker (Ms. Hine presiding).

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

MESSAGES FROM THE GOVERNOR

March 13, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on March 13, 1990, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 1394: Relating to irrigation districts;
HOUSE BILL NO. 1571: Relating to port district vacancies;
HOUSE BILL NO. 1703: Relating to subsistence and travel expenses;
HOUSE BILL NO. 1881: Relating to irrigation districts;
HOUSE BILL NO. 2032: Relating to parks and recreation districts;
HOUSE BILL NO. 2262: Relating to a bailee's liability to an owner;
HOUSE BILL NO. 2276: Relating to reorganization of Title 28A RCW;
HOUSE BILL NO. 2292: Relating to authorizing family fishing days for food fish and shellfish;
SUBSTITUTE HOUSE BILL NO. 2293: Relating to group fishing permits;
HOUSE BILL NO. 2294: Relating to salmon taken in test fishing operations;
HOUSE BILL NO. 2410: Relating to extended hospice benefits to the end of the biennium;

HOUSE BILL NO. 2842: Relating to special parking privileges for disabled persons;

SUBSTITUTE HOUSE BILL NO. 2933: Relating to a study of municipal insurance pools;

SUBSTITUTE HOUSE BILL NO. 2956: Relating to low-level radioactive waste.

Sincerely,
Thomas J. Felngale, Counsel.

March 14, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on March 14, 1990, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1055: Relating to financing the provision of fire protection services for state-owned buildings and equipment;

HOUSE BILL NO. 1523: Relating to contractor advertising;

HOUSE BILL NO. 2310: Relating to financing contracts;

HOUSE BILL NO. 2527: Relating to regulatory fees;

HOUSE BILL NO. 2562: Relating to the repeal of hospital commission statutes;

HOUSE BILL NO. 2705: Relating to winter recreation functions of the state parks and recreation commission;

FIRST SPECIAL SESSION

EIGHTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Friday, March 16, 1990

The House was called to order at 1:30 p.m. by the Speaker (Ms. Hine presiding).

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

MESSAGE FROM THE SENATE

March 16, 1990

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2416,

HOUSE BILL NO. 2667,

HOUSE BILL NO. 2694,

HOUSE BILL NO. 2888,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

MESSAGES FROM THE GOVERNOR

March 15, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on March 15, 1990, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1957: Relating to the Puget Sound ferry operations account;

HOUSE BILL NO. 2265: Relating to the award for excellence in education program;

HOUSE BILL NO. 2289: Relating to the conservation corps;

HOUSE BILL NO. 2290: Relating to the establishment of emerging commercial fisheries through a special harvest permit process;

HOUSE BILL NO. 2291: Relating to commercial sea cucumber fishing;

HOUSE BILL NO. 2343: Relating to tax information and the secrecy clause;

SUBSTITUTE HOUSE BILL NO. 2344: Relating to the payment of taxes by electronic funds transfer;

HOUSE BILL NO. 2438: Relating to the state library;

SUBSTITUTE HOUSE BILL NO. 2457: Relating to employment agencies;

HOUSE BILL NO. 2503: Relating to the investment of industrial insurance funds;

SUBSTITUTE HOUSE BILL NO. 2513: Relating to litter;

SUBSTITUTE HOUSE BILL NO. 2524: Relating to the board of pharmacy;

HOUSE BILL NO. 2567: Relating to the improvement of state employee recruitment, retention, and development;

SUBSTITUTE HOUSE BILL NO. 2576: Relating to the department of wildlife;

SUBSTITUTE HOUSE BILL NO. 2609: Relating to the Washington pollution liability insurance program;

HOUSE BILL NO. 2868: Relating to commercial sea urchin fishing;

HOUSE BILL NO. 2850: Relating to the Washington economic development finance authority;

HOUSE BILL NO. 2901: Relating to life and disability insurance.

Sincerely,
Thomas J. Felnagle, Counsel.

March 14, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 48, Engrossed Substitute House Bill No. 1825 entitled:

"AN ACT Relating to high capacity transportation systems."

Section 48 changes a reference in current law from "rail development" account to "high capacity transportation" account. Section 308(2)(a) of Engrossed Substitute Senate Bill No. 6358, an act relating to transportation taxes, amends the same section of current law in a similar manner and makes additional revisions. In order to avoid duplicative amendments, I am vetoing section 48.

With the exception of section 48, Engrossed Substitute House Bill No. 1825 is approved.

Respectfully submitted,
Booth Gardner, Governor.

March 14, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval Substitute House Bill No. 2587 entitled:

"AN ACT Relating to port district road improvements."

This bill provides port districts the authority to expend port funds on constructing, improving, or repairing any street, road, or highway that serves port facilities. On March 6, 1990, I signed Substitute Senate Bill No. 6531, which accomplishes the same result as this bill.

For this reason, I have vetoed Substitute House Bill No. 2587 in its entirety.

Respectfully submitted,
Booth Gardner, Governor.

SIGNED BY THE SPEAKER

The Speaker (Ms. Hine presiding) announced the Speaker had signed:

SUBSTITUTE HOUSE BILL NO. 2416,
HOUSE BILL NO. 2667,
HOUSE BILL NO. 2694,
HOUSE BILL NO. 2888.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 1:30 p.m., Friday, March 16, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

HOUSE BILL NO. 2959: Relating to health insurance for students participating in extracurricular activities.

Sincerely,
Thomas J. Felnagle, Counsel.

March 15, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 73, House Bill No. 2797 entitled:

"AN ACT Relating to elections."

Section 73 amends RCW 29.21.075. Later, in section 112(14), that statute is repealed.

The provisions of section 73, outlining election procedures for District Court judges, are repeated in sections 80, 94, and 95 of this bill and, therefore, section 73 is redundant. To correct this technical error I have vetoed section 73.

With the exception of section 73, House Bill No. 2797 is approved.

Respectfully submitted,
Booth Gardner, Governor.

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

MOTION

On motion of Mr. R. King, the House adjourned until 11:00 a.m., Monday, March 19, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

ELEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 19, 1990

The House was called to order at 11:00 a.m. by the Speaker (Mr. O'Brien presiding).

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jayson Felber and Deborah Escher. Prayer was offered by The Reverend Dennis Hartsook, Minister of St. Mark's Lutheran Church of Olympia.

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

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

INTRODUCTION AND FIRST READING

HB 3032 by Representative Rust

AN ACT Relating to a moratorium on siting of hazardous waste disposal facilities near agricultural lands; amending RCW 70.105.005, 70.105.007, 70.105.150, 70.105.160, 70.105.200, and 70.105.215; adding new sections to chapter 70.105 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Appropriations.

The Speaker (Mr. O'Brien presiding) referred the bill listed on today's introduction sheet under the fourth order of business to the committee so designated.

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

MOTION

On motion of Mr. Heavey, the House adjourned until 11:00 a.m., Tuesday, March 20, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

HOUSE BILL NO. 2989: Relating to freight brokers and forwarders.

Sincerely,
Thomas J. Felnagle, Counsel.

March 19, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, House Bill No. 2942 entitled:

"AN ACT Relating to progress reports on the recreational fisheries enhancement plan."

I am supportive of the Recreational Fisheries Enhancement Plan initiated by the Washington Department of Fisheries. I also understand the interest of legislative members in being kept apprised of the implementation of the Plan. I do not, however, believe that it is necessary to codify the intent section of this bill.

I have vetoed section 3 which would have required the codification and will ask the Code Reviser to footnote the intent section.

With the exception of section 3, House Bill No. 2942 is approved.

Respectfully submitted,
Booth Gardner, Governor.

INTRODUCTION AND FIRST READING

HCR 4443 by Representatives Braddock, Morris, Jones, Vekich, Rector, Baugher, Ballard, Spanel, Wood, Wineberry, Fuhrman, Pruitt, Walker, Rasmussen, Tate, Rayburn, Youngsman, Bennett, Moyer, R. Fisher, Wolfe, Jesernig, Holland, Cole, Brumsickle, Dorn, Smith, Forner, McLean, Jacobsen, D. Sommers, Nealey, May, Phillips, S. Wilson and Anderson

Creating a commission on health care cost control.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and the resolution was advanced to second reading and read the second time in full.

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

Representatives Braddock, Wolfe, Vekich and Moyer spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of House Concurrent Resolution No. 4443, and the resolution was adopted by the following vote: Yeas, 77; absent, 4; excused, 16.

Voting yea: Representatives Anderson, Appelwick, Ballard, Baugher, Bennett, Bowman, Braddock, Brumsickle, Cantwell, Cole, Cooper, Day, Dorn, Doty, Ebersole, Fisher R. Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King R. Kremen, Locke, May, McLean, Meyers R. Miller, Morris, Moyer, Myers H. Nealey, Nelson, Nutley, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D. Spanel, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K. Wilson S. Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 77.

Absent: Representatives Basich, Brekke, Fisher G. Raiter - 4.

Excused: Representatives Beck, Belcher, Betzoff, Brooks, Brough, Crane, Dellwo, Ferguson, Hargrove, Heavey, King P. Kirby, Leonard, O'Brien, Sommers H. Sprenkle - 16.

House Concurrent Resolution No. 4443, having received the constitutional majority, was declared adopted.

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

MOTION

On motion of Mr. Ebersole, House Bill No. 3032 was referred from Committee on Appropriations to Committee on Environmental Affairs.

FIRST SPECIAL SESSION

TWELFTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, March 20, 1990

The House was called to order at 11:00 a.m. by the Speaker (Mr. Sayan presiding). The Clerk called the roll and all members were present except Representatives Basich, Beck, Belcher, Betzoff, Brekke, Brooks, Brough, Crane, Dellwo, Ferguson, G. Fisher, Hargrove, Heavey, P. King, Kirby, Leonard, O'Brien, Raiter, H. Sommers and Sprengle. On motion of Ms. Cole, Representatives Belcher, Crane, Dellwo, Hargrove, Heavey, P. King, Kirby, Leonard, O'Brien, H. Sommers and Sprengle were excused. On motion of Ms. Miller, Representatives Beck, Betzoff, Brooks, Brough and Ferguson were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jonathan Martin and Debbie Noe. Prayer was offered by The Reverend Dennis Hartsook, Minister of St. Mark's Lutheran Church of Olympia.

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

The Speaker (Mr. Sayan presiding) declared the House to be at ease.

The Speaker (Mr. Wang presiding) called the House to order.

The Speaker (Mr. Wang presiding) declared the House to be at ease until 1:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. Appelwick presiding) called the House to order.

MESSAGES FROM THE GOVERNOR

March 19, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on March 19, 1990, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 1264: Relating to vital statistics registration;

SUBSTITUTE HOUSE BILL NO. 1450: Relating to motor fuel inspections;

SUBSTITUTE HOUSE BILL NO. 1824: Relating to tuition waivers for state employees at state institutions of higher education;

HOUSE BILL NO. 2260: Relating to the municipal research council;

HOUSE BILL NO. 2312: Relating to investment of state funds;

HOUSE BILL NO. 2331: Relating to teacher preparation on issues of abuse;

HOUSE BILL NO. 2335: Relating to cemeteries;

SUBSTITUTE HOUSE BILL NO. 2337: Relating to privacy of collective bargaining sessions;

HOUSE BILL NO. 2441: Relating to disabled students in higher education;

HOUSE BILL NO. 2461: Relating to emergency vehicle lighting and equipment;

SUBSTITUTE HOUSE BILL NO. 2708: Relating to on-site sewage and septic system inspection and maintenance by public utility districts;

HOUSE BILL NO. 2753: Relating to state highway routes;

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 11:00 a.m., Wednesday, March 21, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

THIRTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 21, 1990

The House was called to order at 11:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Baugher, Beck, Bennett, Bowman, Brough, Dorn, Hankins, Heavey, P. King, Todd and Wineberry. On motion of Ms. Cole, Representatives Baugher, Bennett, Dorn, Heavey, P. King, Todd and Wineberry were excused. On motion of Ms. Miller, Representatives Beck, Bowman, Brough and Hankins were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cecelia Mortenson and Angela Foley. Prayer was offered by The Reverend Dennis Hartsook, Minister of St. Mark's Lutheran Church of Olympia.

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

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 90-4786, by Representatives Cooper and Morris

WHEREAS, The State Class AA Boys' Basketball Tournament traditionally showcases exceptionally talented high school teams from throughout the state; and

WHEREAS, The Battle Ground High School Tigers have a history of sportsmanship and commitment to the sport of basketball; and

WHEREAS, The Tigers capped an outstanding season record of twenty-four wins and just two losses by winning the State Class AA Boys' Basketball Title in the Tacoma Dome on Saturday, March 10; and

WHEREAS, The final game has been called "the most one-sided title game in the AA tournament's twenty-two year history" by virtue of the Tigers' 95-63 victory over Mount Vernon; and

WHEREAS, No other AA Championship Team has ever scored more points in the title game or won by a wider margin; and

WHEREAS, Battle Ground never fell behind in the score during their quest for the school's first-ever AA Boys' Basketball Title; and

WHEREAS, The Tigers displayed outstanding team spirit, athletic skill, determination and heart;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize winning team members Josh Behrens, Travis Blue, Mike Brotherton, Rob Frahm, Jason Hosenev, DaWuan Miller, Trevor Rose, Greg Saylor, Troy Steigman, Dan Stuart, Scott Tharp, Steve Warner and Aaron Watts and congratulate them on their victory; and

BE IT FURTHER RESOLVED, That the House of Representatives also recognize and applaud the leadership of Coach Butch Blue in leading his team to the state crown; and

BE IT FURTHER RESOLVED, That teammates Jason Hosenev and Mike Brotherton are congratulated and so recognized by the House of Representatives for being named to the all-tournament team, and that they, their team, their coaches and their school are commended for their accomplishments and for their spirit.

Mr. Cooper moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 90-4786 was adopted.

FIRST SPECIAL SESSION

FOURTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, March 22, 1990

The House was called to order at 11:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Baugher, Beck, Betrozoff, Braddock, Cooper, Dellwo, Hargrove, Heavey, P. King, Kirby, Locke, McLean, R. Meyers, Miller, Phillips, Raiter, H. Sommers, Sprengle, Todd and Wood. On motion of Ms. Cole, Representatives Appelwick, Baugher, Braddock, Cooper, Dellwo, Hargrove, P. King, Kirby, Locke, Phillips, H. Sommers and Todd were excused. On motion of Ms. Bowman, Representatives Beck, Betrozoff, McLean, Miller and Wood were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jaime Johnson and Krista Hamilton. Prayer was offered by The Reverend Dennis Hartsook, Minister of St. Mark Lutheran Church of Olympia.

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

MESSAGE FROM THE SENATE

March 21, 1990

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8446,

HOUSE CONCURRENT RESOLUTION NO. 4443,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE GOVERNOR

March 21, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on March 21, 1990, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1890: Relating to redistricting;

HOUSE BILL NO. 2288: Relating to appropriations for projects recommended by the public works board;

SUBSTITUTE HOUSE BILL NO. 2296: Relating to business relationships between manufacturers and distributors of agriculture equipment and independent retail dealers;

HOUSE BILL NO. 2306: Relating to jury summons;

SUBSTITUTE HOUSE BILL NO. 2390: Relating to the reduction of hazardous substances and waste;

SUBSTITUTE HOUSE BILL NO. 2482: Relating to the Puget Sound water quality authority;

SECOND SUBSTITUTE HOUSE BILL NO. 2494: Relating to oil and hazardous substance spills;

HOUSE BILL NO. 2525: Relating to regulation of radio communications services;

HOUSE BILL NO. 2655: Relating to the public disclosure law;

SUBSTITUTE HOUSE BILL NO. 2858: Relating to authorized business entertainment practices by liquor manufacturers, importers, or wholesalers;

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

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

MOTION

On motion of Mr. Jacobsen, the House adjourned until 11:00 a.m., Thursday, March 22, 1990.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

SUBSTITUTE HOUSE BILL NO. 2999: Relating to compensation for community college officers and employees;

SUBSTITUTE HOUSE BILL NO. 3001: Relating to solvency protection for health maintenance organizations;

SUBSTITUTE HOUSE BILL NO. 3002: Relating to solvency protection for health care service contractors.

Sincerely,
Thomas J. Felnagle, Counsel.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 90-4787, by Representatives Youngsman and Spanel

WHEREAS, D. James Costanti served as a concerned and active member of this House of Representatives from 1971 to 1973; and

WHEREAS, Jim Costanti lived a long and fruitful life dying on March 17, 1990, at the age of eighty years; and

WHEREAS, He was a respected educator and an able fisherman who generously contributed his time and talents to his community; and

WHEREAS, He had two successful careers, one as well-loved Principal of Edison Elementary School and another as a vigorous owner of his own fishing boat and capable operator of purse seine boats; and

WHEREAS, Mr. Costanti diligently pursued his interests in education and fishing rights not only as a legislator, but also as a citizen who espoused his views to his representatives in government; and

WHEREAS, He maintained his lively interest in state government by encouraging others to participate in the democratic election process; and

WHEREAS, He demonstrated his lifelong commitment to his community through his memberships in many local organizations, his church, and as a charter member of the Edison Fire Department;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That the members convey their sympathy and condolences to the Costanti family in their time of sorrow and let them know that his service to the Legislature is appreciated and that we are proud to have had a member who, throughout his life, showed deep concern for his fellow man; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to his wife, Phyllis Costanti, and to each of his children, Dan Costanti, Mark Hardie, Michael Hardie, Diane Krall and Leanne Maskell.

Mr. Youngsman moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 90-4787 was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

MOTION

On motion of Ms. Cole, Representatives Braddock and Cooper were excused.

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

INTRODUCTION AND FIRST READING

HCR 4445 by Representative Ebersole

Permitting consideration of House Bill No. 3035 during special session.

MOTIONS

On motion of Ms. Hine, the rules were suspended and the resolution was advanced to second reading and read the second time in full.

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

Representatives Hine, Inslee and Padden spoke in favor of passage of the resolution.

House Concurrent Resolution No. 4445 was adopted.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4443.

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

MOTION

On motion of Ms. Hine, the House adjourned until 1:30 p.m., Friday, March 23, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

Requesting an interim study on poverty issues.

The Speaker (Mr. O'Brien presiding) referred House Bill No. 3034 and House Bill No. 3035 listed on today's introduction sheet under the fourth order of business to the committees so designated.

REPORT OF STANDING COMMITTEE

March 22, 1990

HB 3030 Prime Sponsor, Representative Vekich: Establishing penalties for violations of child labor laws. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Cole, Vice Chair; Jones, R. King, Leonard, O'Brien and Prentice.

MINORITY recommendation: Do not pass. Signed by Representatives Forner, Walker and Wolfe.

Absent: Representative Smith, Ranking Republican Member.

Referred to Committee on Appropriations.

The Speaker (Mr. O'Brien presiding) referred the bill listed on today's committee report under the fifth order of business to the committee so designated.

The Speaker assumed the Chair.

OATH OF OFFICE

The Speaker instructed the Sergeant at Arms to escort M. Keith Ellis to the rostrum.

Supreme Court Justice James Dolliver administered the oath of office and Secretary of State Ralph Munro presented Representative Ellis with the certificate of appointment.

The Speaker instructed the Sergeant at Arms to escort Representative Ellis to his seat in the House Chamber.

SPEAKER'S PRIVILEGE

The Speaker introduced Mrs. Louise Ellis to the members of the House of Representatives.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 1:30 p.m., Monday, March 26, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

FIFTEENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Friday, March 23, 1990

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Baugher, Beck, Bowman, Braddock, Dellwo, Dorn, Doty, G. Fisher, Grant, Hankins, Heavey, Horn, Inslee, P. King, R. King, Kirby, Leonard, R. Meyers, Nelson, Peery, Raiter, Rector, Scott, Silver, H. Sommers, Sprenkle, Todd, Vekich, K. Wilson, Wood, Youngsman and Zellinsky. On motion of Ms. Cole, Representatives Baugher, Braddock, Dellwo, Dorn, Inslee, P. King, Kirby, Raiter, H. Sommers, Todd, Vekich and K. Wilson. On motion of Ms. Miller, Representatives Beck, Bowman, Doty, Hankins, Horn, Silver, Wood and Youngsman were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Deborah Escher and Aimee Felber. Prayer was offered by The Reverend H. B. Sampson, Jr., Minister of Goodwill Baptist Church of Seattle.

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

MESSAGE FROM THE SENATE

March 23, 1990

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4443,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTIONS AND FIRST READING

HB 3033 by Representatives Appelwick and Padden

AN ACT Relating to making minor adjustments to sections 301, 1002, 1003, and 1006 of chapter 3, Laws of 1990, concerning criminal offenders; amending RCW 13.40.020, 71._____, 71._____, and 71._____; and providing an effective date.

HB 3034 by Representatives R. Fisher and Prentice

AN ACT Relating to bicycle safety; amending RCW 46.04.670, 46.61.990, 46.37.480, and 46.61.750; adding a new section to chapter 47.36 RCW; adding a new section to chapter 43.43 RCW; adding new sections to chapter 43.59 RCW; adding a new section to chapter 46.61 RCW; creating a new section; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 3035 by Representatives Inslee, Baugher, Rayburn, Rector, Haugen, Ebersole and Rasmussen

AN ACT Relating to the funding of construction and expansion of jail facilities in Yakima County; and making an appropriation.

Referred to Committee on Appropriations.

HCR 4444 by Representatives Sayan, Braddock, Winsley, Moyer, Wang, R. Fisher, Pruitt, R. Meyers, Hine and Rasmussen

Requesting a legislative proposal for management of disabilities trust land.

SCR 8446 by Senators Patrick, Murray, Smith, Hayner, Talmadge and Johnson

FIRST SPECIAL SESSION

EIGHTEENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Monday, March 26, 1990

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Beck, Brekke, Dellwo, Doty, Grant, Hankins, Heavey, R. King, Kirby, Locke, McLean, R. Meyers, Miller, Morris, Rector, Schmidt, D. Sommers, H. Sommers, Sprenkle and Todd. On motion of Ms. Cole, Representatives Brekke, Dellwo, R. King, Kirby, Locke, R. Meyers, Morris, Rector, H. Sommers, Sprenkle and Todd were excused. On motion of Ms. Bowman, Representatives Beck, Doty, Hankins, McLean, Miller, Schmidt and D. Sommers were excused.

Prayer was offered by Representative Doug Sayan.

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

MESSAGES FROM THE GOVERNOR

March 23, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on March 23, 1990, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 2253: Relating to the state minimum wage for students at institutions of higher education;

SUBSTITUTE HOUSE BILL NO. 2375: Relating to ALL KIDS CAN LEARN incentive grants;

SUBSTITUTE HOUSE BILL NO. 2378: Relating to educational service districts;

SUBSTITUTE HOUSE BILL NO. 2385: Relating to clarification of existing laws regarding chemical dependency;

HOUSE BILL NO. 2469: Relating to limited medical licenses for University of Washington school of medicine departmental or divisional fellowship programs;

SUBSTITUTE HOUSE BILL NO. 2752: Relating to depictions of minors engaged in sexually explicit conduct;

SUBSTITUTE HOUSE BILL NO. 2809: Relating to closed-circuit transmission of testimony of child witnesses in sexual and physical abuse cases.

Sincerely,
Thomas J. Feltnagle, Counsel.

March 23, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Engrossed House Bill No. 1491 entitled:

"AN ACT Relating to community action agencies."

Community action agencies provide a valuable service in the State of Washington, by administering a variety of low-income programs. Section 1 establishes a statutory reference for this service delivery system. Section 2 defines the role of community action boards.

I have vetoed section 2 because the language creating the power of the boards is in conflict with the manner in which some agencies in the state operate. Some agencies are funded through political subdivisions and the language in the bill would interfere with the administrative practices of these subdivisions and create a potential for litigation.

With the exception of section 2, Engrossed House Bill No. 1491 is approved.

Respectfully submitted,
Booth Gardner, Governor.

March 23, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 2761 entitled:

"AN ACT Relating to the Washington state school directors association."

This bill would allow the Washington State School Directors Association to:

"...provide for the compensation of officers for each day during which the officer attends an official meeting of the association or performs prescribed duties as approved by the Board of Directors of the Association..."

The School Directors Association is a state agency with part-time officers and members on its board of directors. Existing statutes consider comparability among similar state agencies and provide guidelines for compensation of part-time members.

These guidelines set the maximum compensation allowed for board and commission members based on responsibilities and duties performed by the Board. For example, the State Board of Education, with rule making authority and quasi-judicial powers, is classified as a "class three group". By law, its members are entitled to a maximum of \$50 daily compensation for their time. By resolution, the school directors association board has also set its officers' compensation at \$50 per day. This bill, however, sets no maximum limit on association officers' compensation.

I recognize the importance of school directors' public service and would be willing to work with the association on this important matter.

For the reasons stated above, I have vetoed House Bill No. 2761 in its entirety.

Respectfully submitted,
Booth Gardner, Governor.

March 23, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 18, Substitute House Bill No. 2792 entitled:

"AN ACT Relating to podiatric physicians and surgeons."

Section 18 of this bill restates substantially the immunity from liability extended by RCW 18.130.300 (The Uniform Disciplinary Act) to the secretary, members of the board or individuals acting on their behalf. RCW 18.130.300 provides immunity based on "official acts performed in the course of their duties" for members of a variety of health care boards. Section 18 of this bill would extend immunity only to the Washington State Podiatric Medical Board for any act performed in the course of their duties."

Neither the bill nor its legislative history provides further explanation of the change in immunity extended by section 18, nor a justification for such change to members of this particular health care board.

In order to maintain consistency, I have vetoed section 18 of this bill.

With the exception of section 18, Substitute House Bill No. 2792 is approved.

Respectfully submitted,
Booth Gardner, Governor.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

FIRST SPECIAL SESSION

NINETEENTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, March 27, 1990

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Beck, Dellwo, Grant, McLean, R. Meyers and Miller. On motion of Ms. Cole, Representatives Dellwo, Grant and R. Meyers were excused. On motion of Ms. Bowman, Representatives Beck, McLean and Miller were excused.

Prayer was offered by Representative Clyde Ballard.

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

MESSAGES FROM THE GOVERNOR

March 26, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on March 26, 1990, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1323: Relating to the portability of public employment retirement benefits;

SUBSTITUTE HOUSE BILL NO. 1565: Relating to family relations among persons immigrating to this state from foreign nations;

HOUSE BILL NO. 2272: Relating to mobile home landlords;

HOUSE BILL NO. 2386: Relating to the payment of temporary permit fees to vehicle dealers;

SUBSTITUTE HOUSE BILL NO. 2416: Relating to insurance;

HOUSE BILL NO. 2445: Relating to mobile home park rental agreements;

HOUSE BILL NO. 2473: Relating to the subdividing of land that is in whole or in part within an irrigation district;

HOUSE BILL NO. 2492: Relating to pro tempore judges;

HOUSE BILL NO. 2546: Relating to continuation of the Washington telephone assistance program;

HOUSE BILL NO. 2555: Relating to the Washington animal remedy act;

HOUSE BILL NO. 2667: Relating to home heating assistance for low-income persons;

HOUSE BILL NO. 2694: Relating to the interim task force on student transportation safety;

HOUSE BILL NO. 2775: Relating to voting equipment;

SUBSTITUTE HOUSE BILL NO. 2801: Relating to collection agencies;

HOUSE BILL NO. 2808: Relating to the eligibility requirements of court commissioners;

SUBSTITUTE HOUSE BILL NO. 2907: Relating to mobile home relocation;

SUBSTITUTE HOUSE BILL NO. 2917: Relating to physician assistants;

HOUSE BILL NO. 2988: Relating to development of low-income housing near the state convention and trade center.

Sincerely,
Thomas J. Feltnagle, Counsel.

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

STATUTORY AND SELECT COMMITTEE ASSIGNMENTS

The Speaker (Mr. O'Brien presiding) announced the following appointments:

Representative Bennett to replace Representative H. Myers on the Advisory Council on Nuclear Waste Management;

Representative Rayburn to replace Representative Bristow on the Institute for Public Policy Board;

Representative Spanel to replace Representative Bristow on the Joint Committee on Pension Policy;

Representative Todd to replace Representative Walk on the Legislative Evaluation and Accountability Program Committee.

MOTION

On motion of Ms. Hine, the House adjourned until 10:00 a.m., Tuesday, March 27, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

March 26, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 9, Substitute House Bill No. 2342 entitled:

"AN ACT Relating to fire sprinkler system contractors."

Section 9 requires the director of the Department of Community Development to create a statutory advisory committee for fire protection sprinkler systems. The committee is to be composed of local representatives, county representatives, and individuals involved with the industry. Although I concur with the need to involve affected parties and will direct the department to pursue this goal, the director of the Department of Community Development has existing authority to create advisory committees, as required, and there is no need to mandate this committee in statute.

For this reason, I have vetoed section 9 of Substitute House Bill No. 2342.

With the exception of section 9, Substitute House Bill No. 2342 is approved.

Respectfully submitted,
Booth Gardner, Governor.

March 26, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4 Substitute House Bill No. 2861 entitled:

"AN ACT Relating to state agency responsibilities for the regulation of manufactured housing."

The bill consolidates certain administrative responsibilities related to manufactured housing from other state agencies into the Department of Community Development. Section 4 of the bill requires a related report to the Legislature by July 1, 1990.

Although I fully support the merits of the report required by section 4, the July 1, 1990, reporting date provides insufficient opportunity to develop the necessary and relevant information.

For this reason, I have vetoed section 4 of this bill.

I will direct the Department of Licensing, the Department of Labor and Industries and the Department of Community Development to provide a report to the Legislature as envisioned in section 4 of this bill by October 15, 1990.

With the exception of section 4, Substitute House Bill No. 2861 is approved.

Respectfully submitted,
Booth Gardner, Governor.

March 26, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, 8, 11, and 14, House Bill No. 2888 entitled:

"AN ACT Relating to child support."

The issues around child support are matters of increasing complexity in today's society. In the past several years, the Legislature has been struggling to create a fair system which ensures the well-being of children.

The Child Support Commission created a basic framework that attempts to fairly divide the responsibilities of financial support between parents. The commission fulfilled its function, which was to design an economic table based on data, outside of the political process and away from the volatile emotional climate that often occurs during divorce.

As I have said before, the support schedule needs some adjustments to ensure that second families are not unfairly disadvantaged. I anticipate that a variety of adjustments for this and other purposes will occur periodically as society changes. Since the child support system was enacted just last year, little data exists at this time to justify major changes that would substantially alter support levels.

I applaud the effort the Legislature made in House Bill No. 2888 to ensure that court decisions on support are well justified and documented. These changes create access to data which will be useful in future decisions about child support.

Many aspects of House Bill 2888 will benefit non-custodial parents. This legislation ensures that non-custodial parents will not have to pay additional support solely because the other parent received a salary increase. The issue of support for children obtaining post-secondary education is resolved with certainty and with protections for non-custodial parents.

Non-custodial parents are given clear rights regarding access to educational and health records. Courts are allowed to give either parent the right to claim the child as a tax exemption and non-custodial parents are ensured that disability benefits received by their children can be set off against the support obligation. Stepparents may terminate their obligation to support stepchildren much sooner, as well.

Section 4 supersedes the Washington State Child Support Schedule in the Washington register. I am vetoing this section to preserve the schedule as modified by House Bill No. 2888, since the other vetoes will require reference back to that schedule for some purposes.

Section 8 substantially modifies the manner in which gross income is calculated and deviations are to be made. Although I understand that this section attempts to adjust for possible inequities to second families, the legislation goes much further than that. It removes a wide array of items from the calculation of gross income, and shifts the burden of proof for deviations to custodial parents even in situations where the income is actually much higher than "gross income" as defined in this section. This section could substantially lower support for children, when no data exists to justify this change.

Section 11 contains a significant change that conflicts with the statutory policy. Existing law allows the court to use the economic table as advisory if the combined monthly net income exceeds the ceiling, but the court must order some additional support. This section eliminates the mandate that a child receive additional support when parents have incomes higher than the ceiling. RCW 26.19.001 states an intent that children in our state should receive support to meet their basic needs and additional support commensurate with their parents' standard of living.

Section 14 changes the way in which child care, transportation and other expenses are paid. Most of these expenses would no longer be paid in advance, which is likely to unfairly burden custodial parents. Furthermore, the remedies for failure to pay seem unworkable. This language appears to require a custodial parent to go to court each time the other parent fails to pay his or her share of a transportation cost or child care bill. I am concerned that this approach will impede a parent's ability to actually collect for expenses incurred and it would also result in more pressure on already crowded court dockets.

With the exception of sections 4, 8, 11 and 14, House Bill No. 2888 is approved.

Respectfully submitted,
Booth Gardner, Governor.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

SENATE AMENDMENT TO HOUSE CONCURRENT RESOLUTION

March 26, 1990

Mr. Speaker:

The Senate has passed HOUSE CONCURRENT RESOLUTION NO. 4445, with the following amendment:

On page 1, line 4 of the resolution, after "county" strike ", is hereby declared to be a measure" and insert "and Senate Bill No. 6906, concerning criminal offenders, are hereby declared to be measures"

Spanel, Sprenkle, Todd, Valle, Vekich, Wang, Wilson K, Wilson S, Wineberry, Youngsman, and Mr. Speaker - 51.

Voting nay: Representatives Ballard, Basich, Baugher, Bennett, Betzoff, Bowman, Brooks, Brumsickle, Doty, Ferguson, Forner, Fuhrman, Hankins, Hargrove, Holland, Horn, Kirby, May, Morris, Moyer, Myers H, Nealey, Padden, Prince, Rayburn, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Winsley, Wolfe, Wood, Zellinsky - 38.

Absent: Representatives Brough, Ellis, Jesernig - 3.

Excused: Representatives Beck, Dellwo, Grant, McLean, Meyers R, Miller - 6.

Substitute Senate Bill No. 6639 without the House amendments, having received the constitutional majority, was declared passed.

POINTS OF PERSONAL PRIVILEGE

Ms. Brough: I wish it to be publicly known that, had I voted before the voting machine was locked, I would have voted "Yes" on final passage of Substitute Senate Bill No. 6639 without the House amendments. Thank you.

Mr. Jesernig: Mr. Speaker, on the final passage of Substitute Senate Bill No. 6639 without the House amendments I voted "no," but I see on the roll call sheet that I am an "absent." I would like to make sure that the roll call is amended to take that into consideration. I voted "no."

STATEMENT FOR THE JOURNAL

I would have voted "No" on final passage of Substitute Senate Bill No. 6639 without the House amendments. My voting button did not work when I pushed it.

M. KEITH ELLIS, 13th District.

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

INTRODUCTIONS AND FIRST READING

HB 3036 by Representatives Haugen, Wang and Holland

AN ACT Relating to taxation of real property; and amending RCW 82.46.050 and 82.46.----

HCR 4446 by Representative Ebersole

Permitting consideration of House Bill No. 3036 during special session.

MOTIONS

Mr. Heavey moved that the rules be suspended and that House Concurrent Resolution No. 4446 be advanced to second reading and read the second time in full. The motion was carried.

Mr. Heavey moved that the rules be suspended, the second reading considered the third, and the resolution be placed on final passage. The motion was carried.

Ms. Brough spoke against adoption of the resolution, and Mr. Ebersole spoke in favor of it.

House Concurrent Resolution No. 4446 was adopted.

MOTION

Mr. Heavey moved that the rules be suspended and that House Bill No. 3036 be placed on the second reading calendar. The motion was carried.

REPORT OF STANDING COMMITTEE

March 26, 1990

HB 3035 Prime Sponsor, Representative Inslee: Funding the construction and expansion of jail facilities in Yakima County. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Youngsman, Assistant Ranking Republican Member; Appelwick, Belcher, Bowman, Braddock, Ebersole, Ferguson, Hine, Holland, Inslee, Nealey, Padden, Peery, Rust, Sayan, Spanel, Valle, Wang and Wineberry.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Heavey moved that the House do concur in the Senate amendment to House Concurrent Resolution No. 4445. The motion was carried.

House Concurrent Resolution No. 4445 as amended by the Senate was adopted.

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

MOTION

Mr. Heavey moved that the House relieve the Conference Committee of further consideration on Substitute Senate Bill No. 6639.

Ms. Brough spoke against the motion, and Mr. Heavey spoke in favor of it.

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

Representatives Horn, May and Padden spoke against the motion, and Mr. Braddock spoke in favor of it.

ROLL CALL

The Clerk called the roll on the motion by Mr. Heavey to relieve the Conference Committee of further consideration on Substitute Senate Bill No. 6639, and the motion was carried by the following vote: Yeas, 60; nays, 32; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Basich, Baugher, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 60.

Voting nay: Representatives Ballard, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Doty, Ellis, Ferguson, Forner, Fuhrman, Hankins, Holland, Horn, May, Moyer, Nealey, Padden, Prince, Schmidt, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 32.

Excused: Representatives Beck, Dellwo, Grant, McLean, Meyers R, Miller - 6.

MOTION

Mr. Wang moved that the House recede from its amendments to Substitute Senate Bill No. 6639. (For previous action, see Journal, 1st Day, First Special Session, March 9, 1990.)

Representatives Wang and Hine spoke in favor of the motion, and Representatives Holland and Brough spoke against it.

The Speaker stated the question before the House to be the motion by Mr. Wang to recede from the House amendments to Substitute Senate Bill No. 6639.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 57; Nays - 35. The motion was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 6639 without the House amendments.

Representatives May, Brough, Horn, Smith and Ballard spoke against passage of the bill, and Representatives Braddock, Ebersole, Locke and Haugen spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6639 without the House amendments, and the bill passed the House by the following vote: Yeas, 51; nays, 38; absent, 3; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Haugen, Heavey, Hine, Inslee, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rust, Sayan, Scott, Sommers H,

Absent: Representatives Grant, Vice Chair; H. Sommers, Vice Chair; Appelwick, Brekke, Brough, Doty, May, McLean and Sprenkle.

MOTION

Mr. Heavey moved that the rules be suspended and that House Bill No. 3035 be placed on the second reading calendar. The motion was carried.

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

SECOND READING

HOUSE BILL NO. 3035, by Representatives Inslee, Baugher, Rayburn, Rector, Haugen, Ebersole and Rasmussen

Funding the construction and expansion of jail facilities in Yakima County.

The bill was read the second time. On motion of Ms. Hine, Substitute House Bill No. 3035 was substituted for House Bill No. 3035, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 3035 was read the second time.

Mr. Heavey moved that the rules be suspended, the second reading considered the third, and the bill be placed on final passage. Ms. Brough spoke in favor of the motion, and it was carried.

Representatives Inslee, Doty, Baugher, Smith, Haugen and Rayburn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3035, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ellis, Ferguson, Fisher G, Fisher R, Former, Fraser, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Beck, Dellwo, Grant, McLean, Meyers R, Miller - 6.

Substitute House Bill No. 3035, having received the constitutional majority, was declared passed.

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

MOTION

Mr. Heavey moved that Committee on Natural Resources & Parks be relieved of House Bill No. 2729 and that the bill be placed on the second reading calendar. The motion was carried.

The Speaker declared the House to be at ease until 3:00 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 3:00 p.m.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

MOTIONS

On motion of Ms. Bowman, Representatives Padden and Tate were excused. On motion of Ms. Cole, Representatives Dorn, Wang and Zellinsky were excused.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2729, by Representatives Rust, Brough, Belcher, Brooks, Holland, R. King, O'Brien, Jacobsen, Dellwo, Phillips, Leonard, Pruitt, Rector, Nelson, Brekke, Day, Scott and Sprengle; by request of Governor Gardner

Protecting wetlands.

The bill was read the second time.

Ms. Belcher moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. PURPOSE AND INTENT. (1) It is the intent of this chapter to preserve, protect, manage, and regulate wetlands state-wide for the purposes of promoting public health, safety, and general welfare, while: (a) Conserving fish, wildlife, and other natural resources of the state; (b) protecting the ecological and economic benefits to the public of wetlands functions and values; (c) regulating property use and development while maintaining the natural and economic benefits provided by wetlands, consistent with the general welfare of the state; (d) protecting private property rights consistent with the public interest; (e) providing private landowners an opportunity, within a regulated environment, to manage and develop their property for economic benefit; (f) providing for the systematic review of activities in and around wetlands so that the benefits of wetlands are considered and protected; (g) creating a wetlands protection and management program on a cooperative basis between the state and local governments; and (h) avoiding the duplication of permit approvals through integrated regulatory procedures.

(2) It is the short-term goal of the state of Washington to achieve no overall net loss of the remaining wetlands base, defined by acreage and function, and it is the long-term goal to restore and create wetlands, where feasible, to increase the quantity and quality of the wetlands resource base. The public must share with the private sector the costs of restoring and creating wetlands to achieve this goal. Although calling for a stable and eventually increasing inventory of wetlands, the goal does not imply that individual wetlands will in every instance be untouchable or that the overall no-net-loss goal can be achieved solely on an individual permit basis, only that the overall wetlands base reach equilibrium between losses and gains in the short term and increase in the long term.

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

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

(2) 'Director' means the director of the department of ecology.

(3) 'Existing and ongoing agriculture' includes those activities conducted on lands defined in RCW 84.34.020(2), private upland fin fish hatching and rearing facilities, and those activities involved in the production of crops, livestock, or commercially reared fish. For example, the operation and maintenance of farm, stock and commercial upland fish ponds or drainage ditches, operation and maintenance of ditches, intake and discharge systems, irrigation systems including irrigation diversions, laterals, canals, or irrigation drainage ditches, changes between agricultural activities, and normal maintenance, repair, or operation of existing serviceable structures, facilities, dikes, or improved areas. An operation ceases to be ongoing when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than seven years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity. Nothing in this subsection shall be interpreted to allow new agricultural activities to be conducted on category one, two, or three wetlands without obtaining a permit or otherwise complying with the provisions of this chapter. With prior notification, agricultural activities may bring a category four wetland into agricultural use and shall be considered existing and ongoing agriculture. Prior to any subsequent conversion to a nonagricultural use, the category four wetland shall be restored or mitigated pursuant to the provisions of this chapter. Forest practices are not included in this definition.

(4) 'Local government' means any county, city, or town that contains within its boundaries any regulated wetland subject to the provisions of this chapter.

(5) 'Person' means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state, local, or other governmental unit.

(6) 'Regulated wetland' means ponds twenty acres or less, including their submerged aquatic beds, and those lands defined as wetlands under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and rules promulgated thereto, and shall be those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Regulated wetlands generally include swamps, marshes, bogs, and similar areas. Regulated wetlands do not include those artificial wetlands intentionally

include programs enacted prior to the effective date of this act if adopted pursuant to an expedited process by reason of an emergency.

(8) Local governments shall submit wetlands programs adopted anytime after the effective date of this act, to the department for approval. The local government wetlands program shall be approved by the department if the department determines that the submitted program complies with sections 2(6) and 8 of this act and is consistent with the policy and provisions of this chapter and the states rules when adopted pursuant to this chapter.

The department shall approve or deny approval of the program and, if approval is denied, the department shall provide the specific reasons for the denial within ninety days after receipt of the submittal by the local government.

After approval, major and minor amendments to existing programs shall comply with the provisions of subsection (10) of this section.

(9) Following the department's approval of a proposed program, the local government shall adopt and implement the program.

(10) The department shall adopt rules specifying major and minor program amendments. Major amendments shall be submitted to and acted upon by the department in the same manner as the original program. Notice of minor amendments shall be submitted to the department following local government adoption.

(11) A wetlands program developed after the dates specified in subsection (4) of this section shall be effective only after approval by the department and subsequent adoption by local government. Local government shall inform the department of the effective date of the program.

(12) Wetlands rules developed and adopted by the department as criteria for program implementation and permit review for local governments shall govern while local plans are being developed or in the absence of local programs.

NEW SECTION. Sec. 4. WETLANDS RATING SYSTEM. (1) The department shall develop and adopt a four-category wetlands rating system with the highest category (category one) being wetlands of state-wide significance. The department shall provide by rule an option for local governments to combine the two top categories of the four categories. The department shall develop the wetlands rating system with assistance of an advisory committee comprised of interested parties.

(2) Local governments shall rate wetlands within their jurisdictions according to the rating system.

NEW SECTION. Sec. 5. WETLANDS PERMITS—APPROVED LOCAL PERMITS—STANDARDS FOR ISSUANCE—NOTICE—DEPARTMENT REVIEW. (1) Except as provided in section 6 of this act, a permit shall be obtained from the appropriate local government prior to undertaking the following activities in a regulated wetland or its buffer:

(a) The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;

(b) The dumping, discharging, or filling with any material;

(c) The draining, flooding, or disturbing of the water level or water table;

(d) The driving of pilings;

(e) The placing of obstructions;

(f) The construction, reconstruction, demolition, or expansion of any structure;

(g) The destruction or alteration of wetlands vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland, provided that these activities are not part of a forest practice regulated under section 6 of this act;

(h) Activities that result in the introduction of pollutants in excess of water quality standards or a significant change of chemical characteristics of wetlands water sources.

(2) Local governments, consistent with rules of the department, shall designate in their wetlands programs, activities, if any, not requiring a permit under subsection (1) of this section where the activities are minor, including activities of a temporary nature or ongoing uses, and have minimal adverse impacts on regulated wetlands.

(3) Local governments shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section, which shall be included in the wetlands program required by section 3 of this act. Local governments are authorized to incorporate the permit system into existing local government permit systems to avoid duplicate permitting, where the existing permit system is made consistent with the requirements of this chapter.

(4) A permit shall only be granted if the permit, as conditioned, is consistent with the provisions of a local wetlands program.

(5)(a) Local government shall provide notice of applications to the public for wetlands permits pursuant to rules developed by the department and shall use to the extent practical existing permit notification procedures. Notification procedures shall be specified in local programs.

(b) The department shall, by rule, specify procedures for notification of permit applications and time limits for comment by the department for permits related to wetlands of state-wide

created from nonwetland sites. These include, but are not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. Wetlands created as mitigation and wetlands modified for approved land use activities shall be considered as regulated wetlands.

(7) 'State wetlands rating system' means the method developed and adopted by the department based on four categories for differentiating wetlands based on specific characteristics or functional attributes.

(8) 'General permit' means the permit granted under section 6 of this act. Activities granted a general permit and conducted in compliance with section 6 of this act may be undertaken without obtaining a wetlands permit under section 5 of this act. State and local governments may not impose additional conditions under the authority of this chapter on activities granted a general permit under section 6 of this act.

(9) 'Wetland buffer' or 'buffer' means lands bordering regulated wetlands which are to be managed only to the extent necessary to protect the functions and values of regulated wetlands.

(10) 'Wetlands program' means a program adopted by a local government and approved by the department to protect and manage regulated wetlands and their buffers.

(11) 'Wetlands standards' means those standards defined in this chapter or adopted by the department by rule or by local governments in their wetlands programs under this chapter.

(12) 'Wetlands of state-wide significance' means those regulated wetlands determined by rule of the department that have characteristics of exceptional resource value which should be afforded the highest levels of protection.

NEW SECTION. Sec. 3. ELEMENTS OF A WETLANDS PROGRAM—ADOPTION OF WETLANDS PROGRAMS. (1) A wetlands program sufficient to meet the requirements of this chapter shall include:

- (a) An inventory for all regulated wetlands, as funding permits;
- (b) Specific rules governing the activities listed in section 5(1) of this act when the activities occur in a regulated wetland or its buffer;
- (c) Identification and description of local permits to be used in administering the wetlands program;
- (d) A program for administering the permits required under section 5 of this act;
- (e) New or amended provisions, where necessary, of local plans, programs, and ordinances;
- (f) Provisions relating to enforcement;
- (g) A mitigation plan and standards consistent with the requirements of this chapter and rules adopted under this chapter;
- (h) Any wetlands impact assessment process established under section 11(3) of this act regarding water use efficiency improvements, if appropriate;
- (i) A description and location of facilities approved, constructed, or managed for storm water management that utilize regulated wetlands;
- (j) An element for monitoring and considering cumulative effects of wetlands alteration from proposed projects; and
- (k) An element that requires wetlands owned by or under the management control of state agencies to control noxious weeds identified under RCW 17.10.080.

(2) Local governments shall consider provisions designed to encourage voluntary compliance by landowners including, but not limited to, offsetting or compensatory incentives such as permitting greater density in the adjoining uplands, transferring development rights to other uplands, and/or reduced assessed valuations for property taxes on property enrolled in the open spaces program under chapter 84.34 RCW.

(3) The department shall develop and adopt rules for local wetlands programs, and procedures for program implementation and permit review.

(4) Except as provided in section 13(2) of this act, every local government shall prepare a proposed program and submit it to the department according to the following schedule:

- (a) All counties bordering Puget Sound and cities and towns within such counties no later than July 1, 1992;
 - (b) All other counties, cities, and towns no later than July 1, 1993.
- (5) Before submission of a proposed program, a local government shall hold public hearings on the proposal.

(6) This chapter establishes a cooperative program of wetlands management between local government and the state. Local government shall have the primary responsibility for initiating and administering the regulatory program of this chapter. The department shall act primarily in the supportive and review capacity with primary emphasis on ensuring compliance with the policy and provisions of this chapter.

(7) Local governments that have wetlands programs or equivalent programs in effect by the effective date of this act, that substantially comply with the spirit and intent of this chapter and that are at least as stringent in wetlands protection as this chapter, are deemed in compliance with this chapter and shall be so certified by the department. This subsection shall apply only to those programs which were adopted pursuant to standard procedures and does not

significance and their buffers. No permit shall be issued under this subsection prior to receipt of such comments or the expiration of the time period set by rule.

(6) Wetlands permits shall not be effective and no activity thereunder shall be allowed during the time provided to file a permit appeal.

(7) Upon receipt of a complete application for a permit authorizing activities on a wetland of state-wide significance or its buffer, local governments shall submit the application to the department for its approval or disapproval. The department shall submit its decision and the reasons for the decision within the times established pursuant to rules adopted under subsection (5)(b) of this section.

(8) Notwithstanding the provisions of subsection (1) of this section, a forest practice regulated by chapter 76.09 RCW occurring on lands not being converted to a nonforest use or platted since 1960 or otherwise exempt from local permits is not subject to this section.

NEW SECTION, Sec. 6. GENERAL PERMIT. (1) Activities described in this section and conducted in compliance with this section may be undertaken without obtaining a permit under section 5 of this act. Except as provided in this section, local governments shall not require wetlands permits or otherwise impose conditions under this chapter on activities granted a general permit under this section.

(2) The person conducting the activity shall be required to provide prior notification to the appropriate local government except for activities described in subsection (3) (a), (b), (d), (i), (j), (k), and (l) of this section. Activities undertaken under the authority of a general permit shall be done in a manner which takes prudent measures to avoid undue impacts to the wetland.

(3) The following activities are governed by this section:

(a) Existing and ongoing agriculture as defined in section 2 of this act. Best management practices as developed by conservation districts shall be encouraged.

(b) Water use efficiency improvements related to existing and ongoing agriculture, provided such improvements are subject to the wetlands impact assessment process developed by the department according to section 11(3) of this act and adopted by local government according to section 3(1)(h) of this act:

(c) Water use efficiency improvements related to existing and ongoing agriculture undertaken to increase supplies in response to prorated water allocations or as a result of a water rights adjudication;

(d) Forest practices as regulated and conducted in accordance with the provisions of chapter 76.09 RCW and forest practice rules;

(e) Activities affecting category four wetlands where the wetland is one-third acre or less in size subject to the following:

(i) Activities other than construction or reconstruction of single family residences constructed or reconstructed by a person who will occupy the residence shall be subject to mitigation requirements specified in section 8(2)(e) of this act; and

(ii) Local governments may elect to not utilize the provisions of this subsection for specific wetlands of local significance based on function and value so long as such wetlands are identified within the local wetlands program approved and adopted pursuant to section 3 of this act;

(f) Maintenance or reconstruction of residential structures, commercial structures or structures related to an existing and ongoing agriculture practice or construction of normal and necessary accessory structures related to an existing and ongoing agriculture practice. Such maintenance, reconstruction or construction shall be allowed subject to the following conditions:

(i) Notification shall be required for construction or reconstruction;

(ii) Reconstruction shall be commenced within five years of the damage or destruction;

(iii) Reconstruction shall not increase the ground floor area and shall be limited to the existing site; and

(iv) For construction or reconstruction, the local government with wetlands jurisdiction may request an alternative location within the land parcel that would result in less adverse impacts to regulated wetlands;

(g) Maintenance, operation, and reconstruction of existing private and public roads, streets, railroads, utilities, and associated structures, and serviceable freshwater and marine terminals that are part of an existing and ongoing public port facility. The department shall provide by rule, notification requirements for such activities that may have adverse impacts to adjacent regulated wetlands. Reconstruction of an existing serviceable structure associated with the roads, streets, railroads, utilities, or freshwater and marine public port terminals, shall be allowed if the reconstruction does not increase the ground floor area, unless the local government with wetlands jurisdiction determines that there is an alternate suitable location within the land parcel that would result in less impact to wetlands. Reconstruction of freshwater and marine public port terminals shall be commenced within five years of damage or destruction;

(h) Storm water management facilities approved, constructed, or managed for storm water management prior to the effective date of this act;

(i) Surface coal mining activities licensed under Public Law 95-87 as of the effective date of this act, for so long as these lands are covered by the permit issued pursuant to Public Law 95-87;

(j) Hardrock mineral extraction operations not including sand and gravel operations or road construction. No tailings or other materials may be placed on any wetlands. Best management practices and operating plan submittals as required by the department of natural resources and nonpoint source water quality protection provisions as developed by the department shall be followed;

(k) Activities and construction necessary on an emergency basis to prevent an immediate threat to public health and safety, or public or private property. Notification as soon as practicable to the local government shall be required; and

(l) Activities of a temporary nature, or activities which represent ongoing uses having minimal adverse impact to regulated wetlands, described in local wetlands programs pursuant to rules adopted by the department.

(4) Provisions of this section shall not apply to any activity conducted for the purpose of conversion of a regulated wetland to a use to which it was not previously subjected.

NEW SECTION, Sec. 7. WETLANDS BUFFERS. (1) Wetlands buffers shall be managed to protect the functions and values of regulated wetlands from adverse impacts of activities on adjacent lands.

(2) The department shall adopt rules that provide ranges of wetlands buffer sizes only to the extent necessary to protect wetlands functions and values based on wetlands rating system categories, types and intensity of adjacent land uses, population density, and the geographic diversity of the state.

(3) Local governments shall incorporate wetlands buffer sizes into their local wetlands programs from within the ranges provided by department rules, unless the local government determines that a larger or smaller buffer is necessary to protect wetlands functions or values based on local conditions. This determination shall be supported by appropriate documentation showing that it is necessary to protect the functions and values of regulated wetlands. The local government may also identify wetlands which do not require a buffer if it can be determined that a buffer is not necessary to protect the functions and values of the wetland. Such determination shall be included with the submission of the local wetlands program or any amendment to the department for approval.

NEW SECTION, Sec. 8. MITIGATION. (1) For activities subject to the permit requirement under section 5 of this act, all adverse impacts to wetlands functions, values, and acreage shall be mitigated.

(2) Mitigation, in the descending order of preference, is as follows:

(a) Avoiding the impact altogether by not taking a certain action or part of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(e) Compensating for the impact by replacing, enhancing, or providing substitute wetlands resources or utilizing mitigation banking opportunities provided either under subsection (10) of this section, if available, or other mitigation banking mechanisms based on monetary compensation adopted by the local government pursuant to rules adopted by the department after completion of the study in section 16 of this act. Use of such monetary compensation shall be limited to purchase, enhance, restore or create wetlands.

(3) In developing rules for the sequencing of mitigation preferences, the department shall include criteria for avoidance whereby avoidance requirements are most stringent for category one wetlands and least stringent for category four wetlands. Mitigation sequencing will begin with subsection (2)(a) of this section for categories one and two wetlands, and for categories three and four mitigation sequencing will begin with subsection (2)(b) of this section. Rules governing mitigation sequencing shall further provide for consideration of public benefit, including those that may derive from the enhancement of wetlands of a lower rating system category to a higher rating system category, or from water dependent uses.

(4) Prior to local government approval of a proposal that includes less preferred mitigation, the applicant must demonstrate that:

(a) No overall net losses will occur in wetland functions, values, and acreage;

(b) The restored, created, or enhanced wetland will be as persistent as the wetland it replaces;

(c) The project applicant demonstrates sufficient scientific expertise, supervisory capability, and financial resources to carry out the proposal; and

(d) The project applicant agrees to demonstrate the capability for monitoring the site for a period of time adequate to determine its long-term success.

(5) Where regulated wetlands are altered, the project applicants shall restore or create equivalent areas of wetlands in order to compensate for wetland losses. Equivalent areas shall be determined according to function, acreage, type, location, time factors, and projected success.

(6) Where feasible, restored or created wetlands shall be a higher category than the altered wetland.

(7) The department shall develop and adopt acreage replacement ratios by wetlands rating categories. Activities in higher wetlands rating system categories shall require more stringent mitigation.

(8) A local government shall require an approved mitigation plan as a condition of issuance of a permit under section 5 of this act for activities in regulated wetlands and their buffers. Mitigation plans for wetlands of state-wide significance and their buffers shall require approval of the department.

(9) Each mitigation plan shall provide that:

(a) All identified adverse impacts are mitigated;

(b) Monitoring of mitigation be performed for a period adequate to determine its long-term success;

(c) A contingency plan is available that identifies actions to be taken if the implemented mitigation is unsuccessful;

(d) The permittee is financially responsible for additional mitigation action should any element of the mitigation plan fail;

(e) Mitigation shall be implemented concurrently with the regulated activity under the permit, except that local governments may establish performance standards and require mitigation be completed no later than the date upon which the regulated activity may proceed under the permit, if the likelihood of success is substantially doubtful. Financial assurance may be in the form of a bond or other acceptable forms of security.

(10) Any person may participate in wetlands mitigation banking by proposing to create wetlands to compensate for wetlands impacts. A proposal for a wetlands bank creation project shall be submitted for department and local government approval. If approved by the department and the local government, the mitigating wetlands created may upon application by the proponent and concurrence of the owner of the created wetland be counted as mitigation for on-site or off-site wetlands impacts.

(11) Compensatory mitigation of impacts to wetlands buffers shall be only that necessary to protect wetlands functions and values and to avoid or minimize adverse impacts to regulated wetlands.

(12) Local governments shall not require additional mitigation pursuant to other authorities for impacts to regulated wetlands functions and values or their buffers when mitigation is required pursuant to this section to minimize those impacts.

(13) This section does not apply to construction, reconstruction, or maintenance of single-family residences on lots platted by the effective date of this act on category four wetlands one-half acre or less in size if the residence is to be occupied by the person for whom it is being constructed or reconstructed.

(14) The department shall adopt rules to implement this section.

NEW SECTION. Sec. 9. ENFORCEMENT—CIVIL PENALTY—ADMINISTRATIVE ORDERS—ACTIONS FOR DAMAGES AND RESTORATION. (1) The department and local governments are authorized to bring appropriate actions at law or equity, including actions for injunctive relief, to ensure that no uses are made of regulated wetlands or their buffers that are inconsistent with the requirements of this chapter, the rules of the department, or an applicable wetlands program.

(2) Any person who undertakes any activity within a regulated wetland or its buffer without first obtaining a permit required by this chapter, or any person who violates the conditions of any permit required by this chapter or of any order issued under subsection (3) of this section shall incur a civil penalty of up to one thousand dollars per violation. In the case of a continuing violation, each permit violation and each day of activity without a required permit shall be a separate and distinct violation. The penalty amount shall be set in consideration of the previous history of the violator and the severity of the environmental impact of the violation. The penalty provided in this subsection by the department shall be imposed under the procedures set forth in RCW 43.21B.300, except as provided in section 10 of this act. The penalty provided in this subsection and imposed by local government shall be appealable to the superior court within the subject jurisdiction.

(3) Whenever any person violates this chapter or any permit issued under this chapter, the department or local government may issue an order reasonably appropriate to cease the violation and to mitigate any environmental damage resulting from the violation. Orders issued under this subsection by the department may be appealed under section 10 of this act. Orders issued under this subsection by local governments may be appealed as provided for by local ordinance or as otherwise allowed by law or as provided in section 10(2) of this act.

(4) The shorelines hearings board shall conduct the reviews authorized by this section as adjudicatory proceedings under chapter 34.05 RCW. Judicial review of the decisions of the shorelines hearings board shall be under chapter 34.05 RCW.

(5) Any person subject to the jurisdiction of this chapter who violates any provision of this chapter or a permit issued under this chapter shall be liable for all damage to public or private property arising from the violation, including the cost of restoring the affected area to its condition prior to violation. The attorney general or local government attorney shall bring suit for damages under this section on behalf of the state or local governments. Private persons shall have the right to bring suit for damages under this section on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the court in its discretion may award attorneys' fees and costs of the suit to the prevailing party.

NEW SECTION, Sec. 10. APPEALS TO THE SHORELINES HEARINGS BOARD—STAY PENDING APPEAL—JUDICIAL REVIEW. (1) Except as provided in subsection (6) of this section, any person aggrieved by the issuance, denial, or rescission of a permit governing activity on a wetland of state-wide significance or its buffer may appeal the same within thirty days to the shorelines hearings board.

(2) Any person aggrieved by the issuance, denial, or rescission of any permit, who wishes to appeal to the shorelines hearings board and believes their appeal raises programmatic issues may, within thirty days after exhaustion of local appeals, file a request with the department to certify their appeal to the shorelines hearings board. The department shall rule upon the request within thirty days of receipt. If the department determines, in its discretion, that the appeal raises programmatic issues it shall certify the case to the shorelines hearings board, which shall take jurisdiction over the appeal. If the department fails to certify, or denies certification, then the time period to otherwise appeal the permit decision begins to run on the date of the department's action, or thirty days after filing the request, whichever is sooner.

(3) Activities authorized by permits appealed to the shorelines hearings board are stayed and may not be undertaken until thirty days from the final order of the shorelines hearings board, affirming the permit, unless the appellant by written stipulation agrees to an earlier lifting of the stay.

(4) The shorelines hearings board shall conduct the review authorized by this section as an adjudicative proceeding under chapter 34.05 RCW. The determination of a stay pending review shall be under RCW 34.05.550.

(5) Except as provided in subsections (1), (2), and (6) of this section, appeal of permits at the local level shall be governed by the law otherwise applicable to appeal of local permits used to administer this chapter.

(6) A permit applicant who believes that the denial of a permit or the conditions upon the issuance of a permit will deny the applicant the reasonable use of his or her property may appeal the permit decision as follows: (a) To the local government legislative authority, and may thereafter obtain judicial review of the decision of the legislative authority on appeal; or (b) an appeal may be filed by such person directly to the superior court within the subject jurisdiction.

Where the local government legislative authority or the superior court determines that the applicant has been denied the reasonable use of his or her property in violation of the Constitution, the legislative authority or court shall order the issuance of the permit or the removal or modification of conditions upon the issuance of the permit.

NEW SECTION, Sec. 11. DUTIES, RESPONSIBILITIES, AND POWERS OF THE DEPARTMENT. The department shall have authority to:

(1) Adopt rules for the development and adoption of local wetlands programs, buffers, mitigation, mitigation banking, a wetlands rating system, notification procedures, wetlands program implementation and permit review process for local governments to serve in the absence of adopted local programs, criteria for designating location and extent of regulated wetlands, and such other rules as are necessary to carry out the provisions of this chapter. Rules shall be adopted by July 1, 1991. Prior to adopting rules under this subsection, the department shall consult with local governments, agencies with expertise, and affected Indian tribes, and shall provide for adequate public involvement.

(2) Approve, periodically review, require modifications to wetlands programs and major program amendments, and take appropriate actions to ensure compliance with wetlands standards;

(3) Develop a wetlands impact assessment process in conjunction with the demonstration conservation plan required by RCW 90.54.190 to balance the public policies of wetlands protection and water use efficiency to be implemented consistent with chapter 90.03 RCW with input from representatives of water users, members of the public, local governments, tribal governments, and the departments of agriculture, fisheries, and wildlife for adoption into local wetlands programs, where applicable, to assist in local decision making regarding water use

efficiency improvements and wetlands protection. Before adopting the impact assessment process, the department shall provide a written report to the legislature on how the process will comply with state water law;

(4) Provide technical assistance to local governments and other affected parties;

(5) Develop a model wetlands ordinance for assistance to local governments by July 1, 1991;

(6) Provide local governments and the public with information on wetlands functions and values, protection, and management;

(7) Accept grants, contributions, and appropriations from any person for the purposes of this chapter;

(8) Cooperate with other persons, including nonprofit organizations, private property owners, federal, state, and local agencies and Indian tribes in protecting and managing wetlands and planning wetlands interpretative sites;

(9) Appoint advisory committees to assist in carrying out the purposes of this chapter;

(10) Contract for professional or technical services;

(11) Develop standards for wetlands inventories; and

(12) Oversee the development, implementation, and maintenance of a wetlands data management system, as funding permits.

The actions taken by the department under this chapter shall not be deemed to render the state or any state agency or state officer liable for a taking in connection with the adoption, administration, or enforcement of any local wetlands program, unless the acts of a local government that are found to constitute a taking are shown to be nondiscretionary acts taken solely to meet a requirement of state law or a requirement contained in a rule adopted under this section.

NEW SECTION. Sec. 12. REVIEW BY ECOLOGICAL COMMISSION NOT REQUIRED. The department is not required to seek review or advice and guidance from the ecological commission with respect to the adoption of any local wetlands programs and program amendments.

NEW SECTION. Sec. 13. DUTIES AND RESPONSIBILITIES OF LOCAL GOVERNMENTS. (1) Each local government shall:

(a) Develop, adopt, administer, and enforce wetlands programs including wetlands permits, mitigation, buffers, and permit appeals;

(b) Participate, as funding permits, in the preparation and verification, jointly with the department, of an inventory of regulated wetlands within its jurisdiction using inventory standards developed by the department; and

(c) Designate a lead or co-lead agency to administer the provisions of this chapter with respect to regulated wetlands and their buffers that are within the jurisdiction of two or more local governments.

(2) In carrying out the responsibilities of this section, incorporated cities and towns within a county may enter into an interlocal agreement with the county in which they are located for developing and administering wetlands programs. Where cities have entered into an interlocal agreement with a county for the purpose of developing and administering wetlands programs and where the applicable county has elected to institute a conservation futures tax under RCW 84.34.230, proceeds derived from the conservation futures tax shall be utilized for wetlands acquisition according to a priority acquisition list agreed to by all participants.

NEW SECTION. Sec. 14. NONREGULATORY ELEMENTS. (1) The county assessor shall adjust the assessed valuation of property to take into consideration any change in land value that results from the restrictions imposed by this chapter.

(2) The department shall convene a committee consisting of local governments, resource agencies, Indian tribes, and affected private groups, to examine nonregulatory methods pursuant to section 16(2) of this act.

(3) The department shall work with the departments of wildlife and natural resources and interested private and public parties to identify financial support for wetlands program development activities, inventorying, managing, and wetlands acquisition.

(4) The departments of wildlife and natural resources may accept grants, contributions, and appropriations from nonprofit organizations, and from federal, state, and local agencies for acquisition of converted lands or low category wetlands.

NEW SECTION. Sec. 15. A new section is added to chapter 76.09 RCW to read as follows:

Within twenty-four months after the effective date of this act, forest practices rules shall be adopted consistent with the policy and provisions of this act. The forest practices board shall submit to appropriate committees of the house of representatives and senate, status reports every six months on the progress of developing rules to implement this chapter.

The department of natural resources may impose conditions to protect wetlands functions and values and wetlands buffers from adverse effects of forest practices until the effective date of such rules and thereafter to the extent provided in such rules.

NEW SECTION. Sec. 16. The department shall:

(1) Within twelve months after the effective date of this act, report to the legislature on the progress made in developing the wetlands impacts assessment process required by RCW 90.54.190 according to section 11(3) of this act;

(2) Convene a wetland policy advisory committee consisting of local governments, resource agencies, Indian tribes, wetland experts, and affected private groups, to:

(a) Examine the effects, desirability, and compatibility of applying this chapter to wetlands on lands under the jurisdiction of the shoreline management act. This study shall examine the following areas: (i) Procedures for a single permit requirement, (ii) uniform and consistent standards, (iii) clarity of the appeal process, (iv) consistency in application, and (v) procedure and uses that are not required to obtain a permit;

(b) Examine nonregulatory methods, including but not limited to, preservation, conservation easements, restoration, tax incentives, technical assistance, regional planning, education, and low-cost, low-impact interpretive sites, and develop opportunities and processes for shared responsibility between the state and the private sector for restoring and creating wetlands, including mitigation banking to meet the goals of this chapter;

(c) Examine regulation standards which consider geographic characteristics and diversity, local scarcity of wetlands, changes over time in the abundance of wetlands, and other appropriate factors in determining mitigation standards;

(d) Examine mitigation banking to determine (i) the procedures which shall be necessary to maintain an accurate record of mitigation performed in advance of an application to affect a regulated wetland, and a means of crediting and debiting for changes to the wetlands created by mitigation banking, and (ii) the role cash mitigation can play in mitigation banking. This shall include options relating to payment for mitigation where cash mitigation may be appropriate, methods for determining the appropriate amount of compensation and various purposes for which funds in a mitigation bank may be expended, and the means, locations, and responsible entity for making the decisions;

(e) Examine the advisability of allowing local governments to identify categories of wetlands where monetary compensation would be the only mitigation;

(f) Make program recommendations; and

(g) Determine funding needs and explore funding sources for nonregulatory wetlands protection methods;

(3) Develop with the assistance of an advisory committee of local governments, resource agencies, Indian tribes, and affected private groups, the wetlands rating system required in section 4 of this act and criteria related to buffer sizes and uses pursuant to section 7 of this act;

(4) Report to the 1991 legislature on the recommendations of subsection (2) and (3) of this section.

This section shall expire on July 1, 1991.

NEW SECTION. Sec. 17. SHORT TITLE. This chapter shall be known and cited as the wetlands management act of 1990.

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. CAPTIONS. Captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 20. Sections 1 through 14, 17, 18, and 19 of this act shall constitute a new chapter in Title 90 RCW."

Mr. Ellis moved adoption of the following amendment by Representatives Ellis, Fuhrman, Smith, Brooks, Wolfe, Nealey, Brumsickle, Moyer, Hargrove and Youngsman to the amendment by Representative Belcher:

On page 1, line 6, strike everything through "Title 90 RCW," on page 22, line 8, and insert:

NEW SECTION. Sec. 1. The Department of Ecology shall inventory and classify all wetlands in the state of Washington, and shall report the total number, individual acreages, locations, and total acreage of wetlands to the legislature by December 1, 1990."

Representatives Ellis and Hargrove spoke in favor of adoption of the amendment to the amendment, and Ms. Belcher opposed it.

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

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Ellis and others to the amendment by Representative Belcher to House Bill No. 2729, and the amendment to the amendment was not adopted by the following vote: Yeas, 36; nays, 49; absent, 2; excused, 11.

Voting yea: Representatives Ballard, Baugher, Betzoff, Bowman, Brooks, Brough, Brumsickle, Day, Doty, Forner, Fuhrman, Hankins, Hargrove, Holland, Horn, Jones, Kirby, Kremen, Mary, Moyer, Nealey, Prince, Rayburn, Rector, Schmidt, Schoon, Silver, Smith, Sommers, D. Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 36.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Ebersole, Ellis, Ferguson, Fisher G, Fisher R, Fraser, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Wilson K, Wineberry, and Mr. Speaker - 49.
 Absent: Representatives Gallagher, Rasmussen - 2.
 Excused: Representatives Beck, Dellwo, Dorn, Grant, McLean, Meyers R, Miller, Padden, Tate, Wang, Zellinsky - 11.

STATEMENT FOR THE JOURNAL

My vote on the Ellis amendment to the amendment to House Bill No. 2729 should have been "Yes."

M. KEITH ELLIS, 13th District.

Ms. Rayburn moved adoption of the following amendments by Representatives Rayburn, Rasmussen, Ballard, Nealey and Smith to the amendment by Representative Belcher:

On page 2, line 31, following "one" strike all material through "three" on line 32 and insert "or two"

On page 2, line 34, following "category" strike "four wetland" and insert "three or four wetland and its buffers"

On page 3, line 1, after "category" insert "three or"

Ms. Rayburn spoke in favor of adoption of the amendments to the amendment.

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

Ms. Belcher spoke against adoption of the amendments to the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Rayburn and others to the amendment by Representative Belcher to House Bill No. 2729, and the amendments to the amendment were not adopted by the following vote: Yeas, 43; nays, 44; excused, 11.

Voting yea: Representatives Ballard, Baugher, Betzoff, Bowman, Brooks, Brough, Brumsickle, Cooper, Day, Doty, Ellis, Ferguson, Forner, Fuhrman, Hankins, Hargrove, Holland, Horn, Inslee, Jesernig, Kirby, Kremen, May, Moyer, Myers H, Nealey, Prince, Rasmussen, Rayburn, Rector, Schmidt, Schoon, Silver, Smith, Sommers D, Van Luvan, Vekich, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 43.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Crane, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Haugen, Heavey, Hine, Jacobsen, Jones, King P, King R, Leonard, Locke, Morris, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Wilson K, Wineberry, and Mr. Speaker - 44.

Excused: Representatives Beck, Dellwo, Dorn, Grant, McLean, Meyers R, Miller, Padden, Tate, Wang, Zellinsky - 11.

Mr. Hargrove moved adoption of the following amendments to the amendment by Representative Belcher:

On page 3, after line 3, insert:

"(4) 'High-growth area' means any county that has had its population increase by more than ten percent in the previous ten years and has a population of over one hundred thousand, and all counties consisting of islands.

(5) 'Low or no-growth areas' means those counties that are not defined as high-growth areas."

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 9, after line 24, insert:

(d) Activities, other than those in this section, affecting class three or four wetlands in low-growth or no-growth counties and the cities within those counties which may be regulated at the option of the local government;"

Renumber the remaining subsections consecutively and correct internal references accordingly.

Mr. Hargrove spoke in favor of adoption of the amendments to the amendment.

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

Ms. Belcher spoke against adoption of the amendments to the amendment, and Mr. Hargrove again spoke in favor of them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Hargrove to the amendment by Representative Belcher to House Bill No. 2729, and the amendments to the amendment were adopted by the following vote: Yeas, 45; nays, 41; absent, 1; excused, 11.

Voting yea: Representatives Ballard, Basich, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Cooper, Day, Doty, Ellis, Ferguson, Forner, Fuhrman, Hankins, Hargrove, Holland, Horn, Jesernig, Jones, Kirby, Kremen, May, Morris, Moyer, Myers H, Nealey, Prince, Rasmussen, Rayburn, Rector, Sayan, Schmidt, Schoon, Silver, Smith, Sommers D, Van Luven, Vekich, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 45.

Voting nay: Representatives Anderson, Appelwick, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Crane, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Haugen, Heavey, Hine, Inslee, Jacobsen, King P, King R, Leonard, Locke, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rust, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Wilson K, Wineberry, and Mr. Speaker - 41.

Absent: Representative Baugher - 1.

Excused: Representatives Beck, Dellwo, Dorn, Grant, McLean, Meyers R, Miller, Padden, Tate, Wang, Zellinsky - 11.

Ms. Forner moved adoption of the following amendment to the amendment by Representative Belcher:

On page 5, line 6, after "governments" strike "shall consider" and insert "shall adopt"

Ms. Forner spoke in favor of adoption of the amendment to the amendment.

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

Representatives Belcher and Appelwick spoke against adoption of the amendment to the amendment, and Ms. Brough spoke in favor of it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Forner to the amendment by Representative Belcher to House Bill No. 2729, and the amendment to the amendment was not adopted by the following vote: Yeas, 37; nays, 50; excused, 11.

Voting yea: Representatives Ballard, Baugher, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Day, Doty, Ellis, Ferguson, Forner, Fuhrman, Hankins, Hargrove, Holland, Horn, Kirby, Kremen, May, Morris, Moyer, Nealey, Prince, Rasmussen, Rayburn, Schmidt, Schoon, Silver, Smith, Van Luven, Walker, Wilson S, Winsley, Wolfe, Wood, Youngsman - 37.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Leonard, Locke, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rector, Rust, Sayan, Scott, Sommers D, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Wilson K, Wineberry, and Mr. Speaker - 50.

Excused: Representatives Beck, Dellwo, Dorn, Grant, McLean, Meyers R, Miller, Padden, Tate, Wang, Zellinsky - 11.

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

MOTION

On motion of Mr. Heavey, the House adjourned until 9:30 a.m., Wednesday, March 28, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

TWENTIETH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 28, 1990

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Beck, Dellwo, McLean, Padden, Sayan and Wood. On motion of Ms. Cole, Representatives Dellwo and Sayan were excused. On motion of Ms. Bowman, Representatives Beck, McLean, Padden and Wood were excused.

Prayer was offered by Representative Clyde Ballard.

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

MESSAGES FROM THE GOVERNOR

March 27, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on March 27, 1990, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 1597: Relating to the practice of geology;

SECOND SUBSTITUTE HOUSE BILL NO. 1653: Relating to credit agreements

HOUSE BILL NO. 2299: Relating to the use of telefacsimile messages for commercial solicitation;

HOUSE BILL NO. 2345: Relating to remittance of taxes for enhanced food fish ;

HOUSE BILL NO. 2362: Relating to industrial insurance programs in state agencies and institutions of higher education;

HOUSE BILL NO. 2373: Relating to bond information;

HOUSE BILL NO. 2395: Relating to the reimbursement of nursing homes specifically authorized to meet the needs of persons living with AIDS;

SUBSTITUTE HOUSE BILL NO. 2476: Relating to leasing by cities and towns;

HOUSE BILL NO. 2485: Relating to the regulation of industrial insurance;

HOUSE BILL NO. 2561: Relating to replevin;

HOUSE BILL NO. 2633: Relating to the uniform commercial code;

HOUSE BILL NO. 2716: Relating to codefendants in cases of vehicle weight restrictions;

HOUSE BILL NO. 2802: Relating to transportation to and from and parking at state facilities;

HOUSE BILL NO. 2855: Relating to tenant improvements to leased facilities of municipal airports;

SUBSTITUTE HOUSE BILL NO. 2906: Relating to contaminated properties;

SUBSTITUTE HOUSE BILL NO. 3007: Relating to notice of employee pension plans provided by third class cities and fourth class municipalities.

Sincerely,
Thomas J. Felngle, Counsel.

March 27, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4, 5, 11, 14, 15 and 16, Substitute House Bill No. 2403 entitled:

"AN ACT Relating to video telecommunications."

This bill recognizes the need for a well planned, carefully coordinated, and incrementally implemented state-wide telecommunications system and clarifies the relationship and responsibilities of each of the independent state entities involved.

Section 4 and section 5 of the bill would dramatically alter the membership of the Information Services Board. The board gathers input from the broad scope of interests knowledgeable in information technology of all kinds. I am concerned that implementation of sections 4 and 5 would cause a significant loss of continuity in board membership and diminish for some time the value of its advice on a wide variety of issues currently under its consideration, including telecommunications technology.

Section 11 of the bill would establish an advisory committee to the Information Services Board. As stated, the board already is authorized to receive input from all interested and knowledgeable sources. I encourage it to maximize that opportunity.

Sections 14, 15, and 16 attempt to address the issues surrounding educational programming which includes commercials and its use in public schools. Section 15 calls for the Office of the Superintendent of Public Instruction, in cooperation with the Washington State School Directors' Association, to encourage school districts not to make a decision on using this programming until the results of the study mandated in section 16 are known. This pre-empt's a school district's ability to make reasoned decisions on this subject and prejudices the outcome of the study. These are issues better addressed and resolved at the local level, where the school districts can better identify and weigh the particular advantages and disadvantages of using such programming.

For these reasons, I have vetoed sections 4, 5, 11, 14, 15, and 16 of the bill.

With the exception of sections 4, 5, 11, 14, 15 and 16, Substitute House Bill No. 2403 is approved.

Respectfully submitted,
Booth Gardner, Governor.

March 27, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 7, House Bill No. 2411 entitled:

"AN ACT Relating to health care authority."

Section 7 of the bill seeks to transfer responsibility for review of proposals for mandated health care coverage from the Department of Health to the Health Care Authority.

Less than one year ago, the Department of Health was given the responsibility for formulating the executive's policy recommendations for health care in the state. The Health Care Authority's primary responsibility is to implement the state's health care policy for public employees by purchasing affordable health care programs.

In order to avoid an appearance of conflict of interest by a major purchaser of health care programs, it is appropriate at this time that the agency responsible for policy recommendations related to mandated health coverages and the agency responsible for purchasing programs reflecting those mandates remain independent. Section 7 would dissolve this independence.

Further, the primary responsibility for the Department of Health is the "general oversight and planning for all of the state's activities as they relate to the health of its citizenry." The duty to review and comment upon proposed mandates falls within that mission and I see no reason, at this time, to shift that duty from the Department of Health.

For these reasons, I have vetoed section 7 of the bill.

With the exception of section 7, House Bill No. 2411 is approved.

Respectfully submitted,
Booth Gardner, Governor.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

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

SECOND READING

HOUSE BILL NO. 3036, by Representatives Haugen, Wang and Holland

Enlarging the scope of use of revenues from the additional tax on real estate.

The bill was read the second time. On motion of Mr. Heavey, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen, Ballard, Hine, Holland, Wang and Jones spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3036, and the bill passed the House by the following vote: Yeas, 90; nays, 2; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dorn, Doty, Ebersole, Ellis, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Youngsman, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Brough, Miller - 2.

Excused: Representatives Beck, Dellwo, McLean, Padden, Sayan, Wood - 6.

House Bill No. 3036, having received the constitutional majority, was declared passed.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 90-4788, by Representative K. Wilson

WHEREAS, The Snohomish High School Marching Band has a long and proud tradition of accomplishment, including being honored as the 1989 State Invitational Marching Band Champions; and

WHEREAS, The band was invited to visit mainland China two years ago and was one of the first high school bands to perform on the Great Wall; and

WHEREAS, The band has been selected as the only high school marching band to represent the United States at the Inauguration of the President of Taiwan, in the city of Taipei, from May 20 to May 30, 1990, joining bands from other countries, including Great Britain, Canada and Japan; and

WHEREAS, Mr. Ray Johnson, the Principal, Mr. Ed Peterson, the Band Director, and, most importantly, the one hundred-twenty members of the marching band have worked hard to perfect their program for the enjoyment of the Snohomish community; and

WHEREAS, The Snohomish Music Booster Association, a large group of active and interested parents and supporters of the band, contribute tremendous effort and time to make the outstanding program a reality; and

WHEREAS, In addition to being outstanding musicians and marchers, the students in the band have an over-all grade point average of 3.44 and are active in many other school and community activities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor The Snohomish High School Marching Band for outstanding effort and for achieving the honor of representing the United States at the upcoming Inauguration of the President of Taiwan; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Principal Ray Johnson, to Band Director Ed Peterson and to the Snohomish Music Booster Association.

Ms. K. Wilson moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 90-4788 was adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Representatives Padden and Sayan appeared at the bar of the House.

Mr. Heavey demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Baugher, Beck, Dellwo, McLean, Schmidt and Wood.

On motion of Mr. Heavey, the absent members were excused and the House proceeded with business under the Call of the House.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2729, by Representatives Rust, Brough, Belcher, Brooks, Holland, R. King, O'Brien, Jacobsen, Dellwo, Phillips, Leonard, Pruitt, Rector, Nelson, Brekke, Day, Scott and Sprenkle; by request of Governor Gardner

Protecting wetlands.

The House resumed consideration of House Bill No. 2729 on second reading. (For previous action, see Journal, 19th Day, First Special Session, March 27, 1990, Afternoon Session.)

MOTION FOR RECONSIDERATION

Mr. Cooper, having voted on the prevailing side, moved that the House do now reconsider the vote by which the amendments by Representative Hargrove to the amendment by Representative Belcher to House Bill No. 2729 were adopted by the House.

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

Ms. Brough spoke against the motion.

POINT OF ORDER

Mr. Heavey: The representative is out of order. She is not speaking to the merits of the question before the House.

SPEAKER'S RULING

The Speaker: Representative Brough, I would ask you to restrict your comments to the question before us and not to speculate on the motivations for that which has been placed before us.

Ms. Brough concluded her remarks against the motion. Representatives Hargrove and Brooks spoke against the motion, and Mr. Ebersole spoke in favor of it.

ROLL CALL

The Clerk called the roll on the motion by Mr. Cooper to reconsider the vote by which the amendments by Representative Hargrove to the amendment by Representative Belcher to House Bill No. 2729 were adopted by the House, and the motion was carried by the following vote: Yeas, 54; nays, 38; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Haugen, Heavey, Hine, Inslee, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen,

Rector, Rust, Sayan, Scott, Sommers H. Spanel, Sprenkle, Todd, Valle, Vekich, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 54.

Voting nay: Representatives Ballard, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Day, Doty, Ellis, Ferguson, Forner, Fuhrman, Grant, Hankins, Hargrove, Holland, Horn, Jesernig, Kirby, May, Meyers R. Miller, Moyer, Nealey, Padden, Prince, Rayburn, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Winsley, Wolfe, Youngsman - 38.

Excused: Representatives Baugher, Beck, Dellwo, McLean, Schmidt, Wood - 6.

RECONSIDERATION

The Speaker stated the question before the House to be reconsideration of the vote by which the amendments by Representative Hargrove to the amendment by Representative Belcher to House Bill No. 2729 were adopted by the House.

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

Representatives Hargrove and Bowman spoke in favor of adoption of the amendments to the amendment, and Representatives K. Wilson and Raiter opposed them.

ROLL CALL

The Clerk called the roll on reconsideration of adoption of the amendments by Representative Hargrove to the amendment by Representative Belcher to House Bill No. 2729, and the amendments to the amendment were not adopted by the following vote: Yeas, 41; nays, 51; excused, 6.

Voting yea: Representatives Ballard, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Day, Doty, Ellis, Ferguson, Forner, Fuhrman, Grant, Hankins, Hargrove, Holland, Horn, Jesernig, Kirby, Kremen, May, Meyers R. Miller, Moyer, Nealey, Padden, Prince, Rasmussen, Rayburn, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Vekich, Walker, Wilson S, Winsley, Wolfe, Youngsman - 41.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Haugen, Heavey, Hine, Insee, Jacobsen, Jones, King P, King R, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 51.

Excused: Representatives Baugher, Beck, Dellwo, McLean, Schmidt, Wood - 6.

Mr. R. Meyers moved adoption of the following amendments to the amendment by Representative Belcher:

On page 6, line 3, after "to" strike "the effective date of this act" and insert "May 1, 1990"

On page 6, line 7, after "after" strike "the effective date of this act" and insert "May 1, 1990"

Mr. R. Meyers spoke in favor of adoption of the amendments to the amendment.

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

Representatives Hine and Belcher spoke against adoption of the amendments to the amendment, and Mr. Hargrove spoke in favor of them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative R. Meyers to the amendment by Representative Belcher to House Bill No. 2729, and the amendments to the amendment were not adopted by the following vote: Yeas, 31; nays, 61; excused, 6.

Voting yea: Representatives Ballard, Betrozoff, Brough, Crane, Day, Ferguson, Forner, Fuhrman, Grant, Hankins, Hargrove, Horn, Jesernig, Kirby, May, Meyers R, Moyer, Nealey, Padden, Prince, Rayburn, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wolfe, Youngsman, Zellinsky - 31.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bennett, Bowman, Braddock, Brekke, Brooks, Brumsickle, Cantwell, Cole, Cooper, Dorn, Doty, Ebersole, Ellis, Fisher G, Fisher R, Fraser, Gallagher, Haugen, Heavey, Hine, Holland, Insee, Jacobsen, Jones, King P, King R, Kremen, Leonard, Locke, Miller, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Wang, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 61.

Excused: Representatives Baugher, Beck, Dellwo, McLean, Schmidt, Wood - 6.

The Clerk read the following amendment by Representatives Wineberry and Phillips to the amendment by Representative Belcher:

On page 7, line 8, after "system." insert:

"(3) In preparing wetlands rating categories the advisory committee shall be guided by the following factors:

(i) 'Category I wetlands' are those wetlands of exceptional resource value based on unique qualities, presence of rare wetland communities, sensitivity to disturbance, and irreplaceable ecological functions.

(ii) 'Category II wetlands' are those wetlands of significant resource value based on functional value and diversity wetland communities of infrequent occurrence, significant fish and wildlife use, and attributes which may not be adequately replicated through creation or restoration.

(iii) 'Category III wetlands' are those wetlands which have important resource value based on vegetative diversity.

(iv) 'Category IV wetlands' are those of ordinary resource value based on monotypic vegetation of similar age and class, lack of special habitat features, and isolation from other aquatic systems."

With consent of the House, Representative Wineberry withdrew the amendment to the amendment.

Ms. Bowman moved adoption of the following amendment by Representatives Bowman and Brumsickle to the amendment by Representative Belcher:

On page 9, line 9, after "section." strike all language through "wetland" on line 11.

Ms. Bowman spoke in favor of adoption of the amendment to the amendment.

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

Ms. Belcher spoke against adoption of the amendment to the amendment, and Mr. Brumsickle spoke in favor of it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Bowman and Brumsickle to the amendment by Representative Belcher to House Bill No. 2729, and the amendment to the amendment was not adopted by the following vote: Yeas, 32; nays, 60; excused, 6.

Voting yea: Representatives Ballard, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Day, Doty, Ellis, Ferguson, Forner, Fuhrman, Hankins, Hargrove, Holland, Horn, May, Miller, Moyer, Nealey, Padden, Prince, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wilson S, Wolfe, Youngsman - 32.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Heavey, Hine, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Vekich, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 60.

Excused: Representatives Baugher, Beck, Dellwo, McLean, Schmidt, Wood - 6.

Mr. Day moved adoption of the following amendment by Representatives Day, Kirby, Fuhrman and D. Sommers to the amendment by Representative Belcher:

On page 9, after line 26, strike all material down to and including line 1 on page 10 and insert the following:

"(e) Activities affecting regulated wetlands where the wetland is less than fifteen thousand square feet and within class three and class four wetlands, except that a person who constructs a single-family residence and will not occupy the residence being constructed or constructs a commercial structure on a regulated wetland and the wetland is less than fifteen thousand square feet shall, before commencing construction, pay into a wetland mitigation bank established by the local government in which the wetland is located an amount determined pursuant to rules adopted by the department but which in no event shall exceed the per acre value of the surrounding property;

(f) Activities related to the construction or reconstruction of single-family residences and appurtenances affecting regulated wetlands on properties where the wetland is greater than fifteen thousand square feet and less than thirty-five thousand square feet, the size of which shall be determined by local government within class three or four wetlands provided that the residence is to be occupied by the person for whom the residence is being constructed."

Mr. Day spoke in favor of adoption of the amendment to the amendment.

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

Ms. Belcher spoke against adoption of the amendment to the amendment, and Representatives Wolfe and D. Sommers spoke in favor of it. Mr. Day again spoke in favor of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Day and others to the amendment by Representative Belcher to House Bill No. 2729, and the amendment to the amendment was not adopted by the following vote: Yeas, 43; nays, 49; excused, 6.

Voting yea: Representatives Ballard, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Crane, Day, Doty, Ellis, Ferguson, Forner, Fuhrman, Hankins, Hargrove, Holland, Horn, Jesernig, King P, Kirby, Kremen, May, Meyers R, Miller, Moyer, Nealey, Padden, Prince, Rasmussen, Rayburn, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Vekich, Walker, Wilson S, Winsley, Wolfe, Youngsman, Zellinsky - 43.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Cooper, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Gallagher, Grant, Haugen, Heavey, Hine, Inslee, Jacobsen, Jones, King R, Leonard, Locke, Morris, Myers H, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Wang, Wilson K, Wineberry, and Mr. Speaker - 49.

Excused: Representatives Baugher, Beck, Dellwo, McLean, Schmidt, Wood - 6.

Ms. Belcher moved adoption of the following amendment to the amendment:

On page 10, line 6, after "practice" insert "and lands defined as existing and ongoing agriculture"

Ms. Belcher spoke in favor of adoption of the amendment to the amendment, and it was adopted.

Ms. Belcher moved adoption of the following amendments to the amendment:

On page 9, line 34, strike "this subsection" and insert "subsection (3)(e) of this section"

On page 11, line 17, after "(4)" insert "Except as provided in subsection (3)(e) of this section"

Ms. Belcher spoke in favor of adoption of the amendments to the amendment, and they were adopted.

Mr. Vekich moved adoption of the following amendment to the amendment by Representative Belcher:

On page 20, line 8, after "act," strike the remainder of the sentence and insert "the forest practices board shall adopt forest practices rules to accomplish the purposes and intent of sections 1 through 13 of this act."

Mr. Vekich spoke in favor of adoption of the amendment to the amendment, and Ms. Belcher spoke against it.

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

Representatives Hargrove and Raiter spoke in favor of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Vekich to the amendment by Representative Belcher to House Bill No. 2729, and the amendment to the amendment was not adopted by the following vote: Yeas, 45; nays, 47; excused, 6.

Voting yea: Representatives Ballard, Betrozoff, Bowman, Brooks, Brough, Brumsickle, Cooper, Day, Doty, Ellis, Ferguson, Forner, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Holland, Horn, Jesernig, Kirby, Kremen, May, Meyers R, Miller, Moyer, Myers H, Nealey, Padden, Prince, Raiter, Rayburn, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Vekich, Walker, Wilson S, Winsley, Wolfe, Youngsman, Zellinsky - 45.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Crane, Dorn, Ebersole, Fisher G, Fisher R, Fraser, Haugen, Heavey, Hine, Inslee, Jacobsen, Jones, King P, King R, Leonard, Locke, Morris, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Todd, Valle, Wang, Wilson K, Wineberry, and Mr. Speaker - 47.

Excused: Representatives Baugher, Beck, Dellwo, McLean, Schmidt, Wood - 6.

STATEMENT FOR THE JOURNAL

I intended to vote "NO" on the amendment by Representative Vekich to the amendment by Representative Belcher to House Bill No. 2729.

M. KEITH ELLIS, 13th District.

The amendment by Representative Belcher as amended was adopted.

With consent of the House, the following amendment by Representative Belcher to the title was adopted:

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "adding a new chapter to Title 90 RCW; adding a new section to chapter 76.09 RCW; creating new sections; and prescribing penalties."

The bill was ordered engrossed. On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust, Wineberry and K. Wilson spoke in favor of passage of the bill, and Representatives Brough and Hargrove opposed it.

The Speaker called on Representative Braddock to preside.

Representatives Brooks and Ballard spoke against passage of the bill.

The Speaker resumed the Chair.

Mr. Smith spoke against passage of the bill, and Ms. Hine spoke in favor of it.

Mr. Crane demanded the previous question.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 57; Nays - 33. The demand was not sustained.

Mr. Wolfe spoke against passage of the bill, and Ms. Belcher spoke in favor of it.

Mr. Crane demanded the previous question.

A division was called. The Speaker called upon the House to divide. The result of the division was: Yeas - 61; Nays - 31. The demand was not sustained.

Mr. D. Sommers spoke against passage of the bill.

Mr. Appelwick demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2729, and the bill passed the House by the following vote: Yeas, 57; nays, 35; excused, 6.

Voting yea: Representatives Anderson, Appelwick, Belcher, Bennett, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Dorn, Ebersole, Fisher G, Fisher R, Forner, Fraser, Gallagher, Haugen, Heavey, Hine, Holland, Insee, Jacobsen, Jones, King P, King R, Leonard, Locke, Meyers R, Morris, Myers H, Nelson, Nulley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Todd, Valle, Vekich, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Basich, Betrozoff, Bowman, Brooks, Brough, Brunsickle, Day, Doty, Ellis, Ferguson, Fuhrman, Grant, Hankins, Hargrove, Horn, Jesernig, Kirby, Kremen, May, Miller, Moyer, Nealey, Padden, Prince, Rayburn, Schoon, Silver, Smith, Sommers D, Tate, Van Luven, Walker, Wolfe, Youngsman - 35.

Excused: Representatives Baugher, Beck, Dellwo, McLean, Schmidt, Wood - 6.

Engrossed House Bill No. 2729, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 28, 1990

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6639.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 6639.

MOTION

On motion of Mr. Ebersole, the House dispensed with further business under the Call of the House.

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

INTRODUCTIONS AND FIRST READING

HB 3033 by Representatives Appelwick and Padden

AN ACT Relating to making minor adjustments to sections 301, 1002, 1003, and 1006 of chapter 3, Laws of 1990, concerning criminal offenders; amending RCW 13.40.020, 71._____, 71._____, and 71._____; and providing an effective date.

Referred to Committee on Judiciary.

HB 3037 by Representatives Appelwick and P. King

AN ACT Relating to security interests in farm crops; amending RCW 62A.9-307, 62A.9-402, and 62A.9-407; adding new sections to chapter 62A.9 RCW; creating new sections; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Judiciary.

HB 3038 by Representative Appelwick

AN ACT Relating to jail processing fees; and amending RCW 3.46.120, 3.50.100, 3.62-.020, 3.62.040, 10.01.160, 10.46.190, 10.82.070, and 10.82.030.

Referred to Committee on Judiciary.

HCR 4444 by Representatives Sayan, Braddock, Winsley, Moyer, Wang, R. Fisher, Pruitt, R. Meyers, Hine and Rasmussen

Requesting a legislative proposal for management of disabilities trust land.

Passed to Committee on Rules.

SCR 8446 by Senators Patrick, Murray, Smith, Hayner, Talmadge and Johnson

Requesting an interim study on poverty issues.

Held on first reading from March 23, 1990.

The Speaker referred the bills and resolution listed on today's introduction sheet under the fourth order of business to the committees so designated.

MOTION

Mr. Heavey moved that the rules be suspended and that Senate Concurrent Resolution No. 8446 be advanced to second reading and read the second time in full. The motion was carried.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Sayan and Moyer spoke in favor of passage of the resolution.

Senate Concurrent Resolution No. 8446 was adopted.

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

STATUTORY AND SELECT COMMITTEE ASSIGNMENTS

The Speaker announced the following appointments:

Representative Berozoff to replace Representative Patrick on the Joint Committee on Pension Policy;

Representative Forner to replace Representative Patrick on the Horse Racing Commission;

Representative Silver to replace Representative Patrick on the Gambling Commission.

MOTION

On motion of Mr. Heavey, the House adjourned until 1:30 p.m., Thursday, March 29, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION
TWENTY-FIRST DAY

AFTERNOON SESSION

House Chamber, Olympia, Thursday, March 29, 1990

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Beck, Brooks, Dellwo, Heavey, P. King, Locke, McLean, Silver, H. Sommers, Vekich and Wineberry. On motion of Ms. Cole, Representatives Appelwick, Dellwo, Heavey, Locke and H. Sommers were excused. On motion of Ms. Miller, Representatives Beck, Brooks, McLean and Silver were excused.

Prayer was offered by Representative Doug Sayan.

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

MESSAGES FROM THE GOVERNOR

March 28, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on March 28, 1990, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1724: Relating to criteria for designation of state highways;

SECOND SUBSTITUTE HOUSE BILL NO. 2122: Relating to dependency proceedings and termination of parental rights;

HOUSE BILL NO. 2330: Relating to the taxation authority of junior taxing districts;

SUBSTITUTE HOUSE BILL NO. 2336: Relating to manufacture, sale, or delivery of controlled substances;

SUBSTITUTE HOUSE BILL NO. 2421: Relating to safety standards for jet skis;

SUBSTITUTE HOUSE BILL NO. 2426: Relating to employer contributions for unemployment compensation;

HOUSE BILL NO. 2429: Relating to attempts by vessel operators to elude pursuing law enforcement vessels;

SUBSTITUTE HOUSE BILL NO. 2430: Relating to motor vehicle warrants;

SUBSTITUTE HOUSE BILL NO. 2463: Relating to release of vehicle registration records;

HOUSE BILL NO. 2475: Relating to a limitation on license fees and taxes;

HOUSE BILL NO. 2542: Relating to the forfeiture of vehicles involved in illegal transfers of controlled substances;

SUBSTITUTE HOUSE BILL NO. 2584: Relating to contracts for work or material by public utility districts;

SUBSTITUTE HOUSE BILL NO. 2643: Relating to survivor benefit options offered by the department of retirement systems;

HOUSE BILL NO. 2714: Relating to execution dates;

SUBSTITUTE HOUSE BILL NO. 2726: Relating to debt funding flexibility for port districts;

HOUSE BILL NO. 2832: Relating to horticultural plants and facilities;

HOUSE BILL NO. 2840: Relating to the county road administration board;

HOUSE BILL NO. 2859: Relating to counties;

HOUSE BILL NO. 2882: Relating to transportation;

SUBSTITUTE HOUSE BILL NO. 2935: Relating to local government elections.

Sincerely,
Thomas J. Felngale, Counsel.

March 28, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, House Bill No. 2526 entitled:

"AN ACT Relating to registration of telecommunication companies."

The provisions of section 1 of this bill are identical to the provisions of Senate Bill No. 6510, which has already been enacted into law. To avoid duplication, I have vetoed section 1 of this bill.

With the exception of section 1, House Bill No. 2526 is approved.

Respectfully submitted,
Booth Gardner, Governor.

March 28, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Engrossed Substitute House Bill No. 2709 entitled:

"AN ACT Relating to district court electoral districts."

Engrossed Substitute House Bill No. 2709 deals with two subjects. Sections 1 and 2 resolve a problem in King County relating to the creation of subdistrict electoral units within a consolidated district court. The resolution of this sensitive issue involved extensive negotiations between the county and the district court judges, which resulted in an agreement.

Section 3, on the other hand, deals with a separate subject of equal sensitivity, but one which was not the result of agreement between affected parties. It mandates the election of an additional district court judge in Spokane County.

I am not convinced that section 3 represents good public policy for the state or for Spokane County. No one disputes the fact that there is a demonstrated need for additional judicial personnel in the Spokane County District Court. However, the mandatory nature of section 3 deprives the County Commission of the flexibility to resolve the caseload problem through other, and possibly less costly, means. To statutorily require the election of a new judge at this time seems premature and would second-guess the study that is now being conducted by the county.

Finally, there should be agreement between the county legislative authority and the court that adding judges is a reasonable solution to the caseload problem.

With the exception of section 3, Engrossed Substitute House Bill No. 2709 is approved.

Respectfully submitted,
Booth Gardner, Governor.

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

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 90-4789, by Representative Rector

WHEREAS, The State Class AAA Girls' Basketball Tournament traditionally is a showcase for the exceptional talent of high school girls' basketball teams from throughout the state; and

WHEREAS, The Mead Girl Panthers have a rich history of outstanding team sportsmanship, athletic ability and commitment to the sport of basketball; and

WHEREAS, The Panthers capped an outstanding season record of twenty-two wins, including the last seven in a row, against just six defeats by winning the state Class AAA Girls' Basketball Tournament with a resounding 47-37 victory over Federal Way on March 10 in Seattle; and

WHEREAS, The Panthers captured the third straight championship for Greater Spokane League girls' teams, displaying solid team spirit and ability, determination and heart;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That winning team members Melissa Mauro, Katie Suver, Mollie McLaughlin, Heather Sower, Alisa Indgjerd, Jennifer Liere, Darcy Long, Colleen Flanigan, Kerri Eckberg, Brande Baker, Chelsea Baker, and Jennie Helfer be recognized and congratulated on their victory; and

BE IT FURTHER RESOLVED, That the House of Representatives also recognize and applaud the leadership of Coach Jeanne Helfer in leading her team to the state championship; and

BE IT FURTHER RESOLVED, That Senior Heather Sower be commended for sharing all-tournament scoring honors by pouring in sixty-nine points during the tournament and twenty-one points in the championship game and that she, her team, coaches and school be commended for their accomplishments and spirit.

Ms. Rector moved adoption of the resolution. Representatives Rector, H. Myers, Padden and Basich spoke in favor of the resolution.

House Floor Resolution No. 90-4789 was adopted.

HOUSE FLOOR RESOLUTION NO. 90-4790, by Representatives Rector

WHEREAS, The State Class AAA Boys' Basketball Tournament traditionally displays the exceptional talent of high school teams from throughout the state; and

WHEREAS, The Shadle Park Highlanders have a rich history of outstanding team sportsmanship, athletic ability and commitment to the sport of basketball; and

WHEREAS, The Highlanders capped an outstanding season record of twenty-six wins against just three losses by winning the State Class AAA Boys' Basketball Championship with a resounding 63-51 triumph over the Garfield Bulldogs on March 10 in Seattle; and

WHEREAS, The Highlanders overwhelmed their opponents in a clear-cut victory with no controversy, displaying solid team spirit and ability, determination and heart;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That winning team members Corey Brantley, Eric Olson, Hans Giesa, Jason Warnick, Rob Ryan, Kraig McCoy, Matt Johnson, Ryland Huff, Aaron Childress, Mike Cady, Jason Wenkheimer and Rob Corkrum, and Team Manager Tim Sauls and Trainer Ted Weber be recognized and congratulated; and

BE IT FURTHER RESOLVED, That the House of Representatives also recognize and applaud the leadership of Coaches Jim Meredith, Tim Gaebe and J.T. Johnson in leading their team to the state championship; and

BE IT FURTHER RESOLVED, That Rob Corkrum be congratulated and so recognized by the House of Representatives for being named Most Valuable Player of the Tournament, and that he, his team, coaches and school be commended for their accomplishment and spirit.

Ms. Rector moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 90-4790 was adopted.

MOTION

Ms. Hine moved that Committee on Rules be relieved of House Concurrent Resolution No. 4418 and that the resolution be placed on the second reading calendar.

Representatives Hine and Miller spoke in favor of the motion, and it was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4418, by Representatives Hine, Miller, R. Fisher and Anderson

Resolving to appoint a joint select committee to develop legislation on campaign financing.

The resolution was read the second time.

Ms. Hine moved adoption of the following amendment by Representatives Hine, McLean, Anderson and Miller:

Strike everything and insert:

"WHEREAS, The integrity of the electoral process is essential to the preservation of a free and democratic society; and

WHEREAS, The central element of this process is the unfettered exchange of ideas between citizens and candidates for public office; and

WHEREAS, In recent years, the cost of conducting a campaign for state office has become alarmingly and unacceptably high; and

WHEREAS, The pressure on candidates to raise and spend large sums of money has created a political climate where the financial strength of individuals or special interest groups may permit them to exercise a potentially corrupting influence on the electoral process; and

WHEREAS, The public perception of such corruption and the potential for actual corruption undermines the credibility and integrity of our public officials and candidates for public office, thus undermining the people's faith that they are being fairly and honestly represented; and

WHEREAS, It is incumbent upon the Legislature to address the increasing role of money in political campaigns and to ensure the preservation of an electoral process where each vote carries equal weight and every candidate can be heard; and

WHEREAS, The House of Representatives and the Senate of the State of Washington have each independently examined these concerns regarding campaign financing and have each independently attempted to develop campaign financing reforms which would restore the public trust and participation in this fundamental aspect of the electoral process; and

WHEREAS, These actions taken independently by the House of Representatives and Senate, though taken in earnest, have failed to identify a body of reforms upon which the two chambers have been able to agree;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, the Senate concurring, that a joint select task force on campaign finance reform shall be established to develop legislation providing reforms in the laws governing the financing of campaigns for state offices which are acceptable to the Legislature as a whole; and

BE IT FURTHER RESOLVED, That the task force shall consist of sixteen members appointed in the following manner:

(1) Four members shall be from the Senate, two from the majority party caucus and two from the minority party caucus, appointed by the President of the Senate; and

(2) Four members shall be from the House of Representatives, two from the majority party caucus and two from the minority party caucus, appointed by the Speaker of the House; and

(3) Six members shall be representatives of public interest groups or associations with an interest in the issue, nominated by the members of those groups or associations, and then appointed, three by the Speaker and three by the President; and

(4) One member shall be the chair of the Washington State Democratic Party or the chair's appointed representative; and

(5) One member shall be the chair of the Washington State Republican Party or the chair's appointed representative; and

(6) Two co-chairs of the committee shall be appointed from among all these members, one by the Speaker and one by the President, and that the committee shall receive staff support as directed by the Speaker and the President; and

BE IT FURTHER RESOLVED, That the process for forming the committee shall begin immediately, and that the committee shall report its recommendations to the Legislature in the form of proposed legislation by January 1, 1991."

Representatives Hine and Miller spoke in favor of adoption of the amendment, and it was adopted.

The resolution was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Engrossed House Concurrent Resolution No. 4418 was adopted.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 90-4793, by Representatives Prince, Hine, Nealey, Jacobsen, Rector, Grant, Rayburn, Hankins, Gallagher, Jesernig, J. King, Rasmussen and Spanel

WHEREAS, Washington State University is celebrating its one-hundredth anniversary this year; and

WHEREAS, From its inception, the State of Washington has placed an educated citizenry as its first priority; and

WHEREAS, During the first session of the Washington State Legislature, members passed legislation creating a land grant institution for Washington; and

WHEREAS, On March 28, 1890, Governor Elisha Ferry signed that legislation establishing the Washington State Agricultural College and School of Science; and

WHEREAS, From its modest beginning with one building, six faculty members and a handful of students, this admirable institution of higher education has served as a school for all the people of Washington; and

WHEREAS, This school, now named Washington State University, has grown physically to include the main campus in Pullman and satellite campuses in Spokane, Vancouver and Richland, and it also includes a hotel and restaurant program in Seattle and a nursing program in Yakima; and

WHEREAS, There are now seven colleges within the University: Agricultural Science and Home Economics; Arts and Sciences; Education; Engineering and Architecture; Business and Economics; Pharmacy and Veterinary Medicine; and Nursing; and

WHEREAS, WSU has awarded 125,000 degrees and certificates in the last one hundred years; and

WHEREAS, Seventeen thousand eight-hundred persons registered as students for this one-hundredth academic year; and

WHEREAS, WSU retains 151,000 acres of its original land grant which it manages for the benefit of the students it is empowered to educate; and

WHEREAS, The state has benefited from WSU research in areas such as wood products; wheat, wood and wine production; and from the irrigated farming it brought to central Washington; and

WHEREAS, WSU provides valuable community service each day through its cooperative extension offices and research stations throughout the state; and

WHEREAS, WSU makes Cougar Gold, Viking and Cheddar, the best cheeses in the world, and it also makes Ferdinand's Ice Cream, which is the smoothest and richest available; and

WHEREAS, The Washington State Cougars have provided Washingtonians with many hours of enjoyment, entertainment and excitement; and

WHEREAS, The centennial anniversary has been marked by the creation of the Centennial Benefactors, who have contributed \$100,000 each to WSU for a total of five million dollars; and

WHEREAS, The centennial is being celebrated with a Crimson and Gray Day party in Seattle and with a Centennial Gala in Pullman; and

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor Washington State University for its dedication to the goal of an educated citizenry, for its superior community services, for its role as a leader in education for the betterment of society and for its renowned agricultural research and development; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the President of Washington State University and to the members of the Board of Trustees.

Mr. Prince moved adoption of the resolution and spoke in favor of it.

House Floor Resolution No. 90-4793 was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Friday, March 30, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION
TWENTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 30, 1990

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding).

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

MESSAGES FROM THE GOVERNOR

March 29, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 8, Second Substitute House Bill No. 2443 entitled:

"AN ACT Relating to the Warren G. Magnuson institute for biomedical research and health professions training."

This bill creates the Warren G. Magnuson Institute for Biomedical Research and Health Professions Training within the Health Sciences Center at the University of Washington. The institute may be funded through a combination of federal, state, and private funds, including earnings on the University's local endowment fund. The earnings on the endowment fund would be used primarily for the purpose of supporting one or more individuals engaged in biomedical research into the causes of, the treatments for, or the management of diabetes.

Section 8 would nullify this bill, if specific funding for the purposes of this act is not provided in the omnibus appropriations act by June 30, 1990. By vetoing this section, the institute will exist in statute and private cash donations can still be raised by the University of Washington, the Washington Chapter of the American Diabetes Association, and other interested parties. The donations would be deposited into the University's local endowment fund, and the earnings on the fund would be available to support diabetes research activities. For this reason, I have vetoed section 8 of this bill.

With the exception of section 8, Second Substitute House Bill No. 2443 is approved.

Respectfully submitted,
Booth Gardner, Governor.

March 29, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Engrossed House Bill No. 2602 entitled:

"AN ACT Relating to adoption."

Section 3 of Engrossed House Bill No. 2602 defines "birth parent" for the purposes of adoption statutes. This definition is in conflict with section 1 of Substitute Senate Bill No. 6494 which has already been enacted. Because the definition in that measure is more inclusive and contains additional changes to existing law, I have vetoed section 3 of this bill.

With the exception of section 3, Engrossed House Bill No. 2602 is approved.

Respectfully submitted,
Booth Gardner, Governor.

March 29, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Substitute House Bill No. 2706 entitled:

"AN ACT Relating to promoting economic diversification for defense-dependent industries and communities."

Substitute House Bill No. 2706 establishes a timely new program in the Department of Community Development to assist local communities identify and prepare for shifts in federal defense expenditures, to monitor those changes on an ongoing basis, and to assist communities and firms in their efforts at economic diversification.

Section 3 of the bill, however, would establish a new statutory advisory committee for the program. The Department of Community Development possesses existing statutory authority to seek the involvement and advice of representatives of local communities, firms and other citizens in the development and operation of new programs. While, for this reason, I have vetoed section 3 of the bill, I direct the Department of Community Development to exercise its authority and experience to meet the objectives of section 3.

With the exception of section 3, Substitute House Bill No. 2706 is approved.

Respectfully submitted,
Booth Gardner, Governor.

March 29, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill No. 2746 entitled:

"AN ACT Relating to enticement."

This bill would create a new crime of enticement. This offense would cover those cases in which an individual attempts to entice a minor or developmentally disabled person to enter a vehicle, building, or other place for the purpose of sexual contact or gratification. Enticement would be a gross misdemeanor.

This measure is intended to add additional protection for children and persons with developmental disabilities. I do not, however, believe this bill will achieve its intended purposes, and would, in fact, create confusion in the law.

By requiring that the state prove that enticement was for the purpose of sexual contact or gratification, this legislation may create a gross misdemeanor for those acts that are now considered to be attempted felony sex offenses. Intent, or purpose, is always a difficult element of a criminal offense to prove. However, where the state can show that a person intends to commit a sex offense, charges should properly reflect the attempted felonious act.

I applaud the efforts the Legislature has taken to protect our communities from sex offenders and I urge the Legislature to continue seeking avenues for strengthening the state's protection of children.

For the reasons stated above, I have vetoed House Bill No. 2746 in its entirety.

Respectfully submitted,
Booth Gardner, Governor.

March 29, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 10, Engrossed Substitute House Bill No. 2831 entitled:

"AN ACT Relating to matching grants for higher education scholarships."

This bill creates an endowed scholarship program to help American Indian students obtain a higher education. American Indians are the most under-represented ethnic minority group in higher education. Through this program, however, an educational opportunity can be made available to many American Indians who might not otherwise be able to attend and graduate from higher education institutions in the State of Washington.

Section 10 of this bill would nullify this act, if specific funding for its purposes is not provided in the 1990 Supplemental Budget. The veto of this section will allow the program to go into effect. Private cash donations could still be raised by the Higher Education Coordinating Board and members of the American Indian community should the Legislature not fund the program in the 1990 Supplemental Budget. The donations would be deposited into the American Indian Scholarship Endowment Fund, and the earnings from this fund would be available to provide scholarships for financially deserving American Indian students. For this reason, I have vetoed section 10 of this bill.

With the exception of section 10, Engrossed Substitute House Bill No. 2831 is approved.

Respectfully submitted,
Booth Gardner, Governor.

March 29, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed House Bill No. 2911 entitled:

"AN ACT Relating to interests of school district officers in contracts."

This bill would add an exemption to the state's conflict of interest statute. The existing statute attempts to achieve a balance between two often conflicting public benefits by 1) prohibiting conflicts of interest that potentially interfere with the proper performance of the duties of municipal officers; while 2) excluding remote interests from this prohibition to enable a larger pool of individuals to participate in municipal service. This new exemption would allow continuation of business contracts for goods initiated with a district prior to a member's election to the school board.

Despite the good intentions of its drafters, I do not believe it is in the best interests of the public to sign this bill into law. The exemption weakens the appearance of fairness. In addition, the bill creates a constitutional problem by distinguishing between individuals based on when they served on the school board.

For these reasons, I have vetoed Engrossed House Bill No. 2911 in its entirety.

Respectfully submitted,
Booth Gardner, Governor.

March 29, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Second Substitute House Bill No. 2986 entitled:

"AN ACT Relating to minor adjustments to chapter 271, Laws of 1989."

Section 1 of this bill imposes an unnecessary and redundant administrative burden upon the executive in its handling of unanticipated receipts of federal funds. RCW 43.79.260 through 43.79.282 currently provides for the receipt, review, approval, and legislative notification of all unanticipated federal funds.

I recognize the intent of the Legislature to replace, where possible, state funds if unrestricted federal funds are received. It has been executive policy to replace state funds where appropriate. Current law offers adequate control and allows for individual review of all unanticipated receipts.

For this reason, I have vetoed section 1 of Second Substitute House Bill No. 2986.

With the exception of section 1, Second Substitute House Bill No. 2986 is approved.

Respectfully submitted,
Booth Gardner, Governor.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 4:00 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 4:00 p.m..

The Speaker declared the House to be at ease until 6:00 p.m..

The Speaker (Mr. Wang presiding) called the House to order at 6:00 p.m.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 12:00 Noon, Saturday, March 31, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION
TWENTY-THIRD DAY

NOON SESSION

House Chamber, Olympia, Saturday, March 31, 1990

The House was called to order at 12:00 Noon by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Beck and Morris. On motion of Ms. Fraser, Representative Morris was excused. On motion of Ms. Miller, Representative Beck was excused.

Prayer was offered by Representative Clyde Ballard.

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

MESSAGE FROM THE GOVERNOR

March 29, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on March 29, 1990, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1307: Relating to the equalization of property taxation;

SECOND SUBSTITUTE HOUSE BILL NO. 2077: Relating to cancer reporting;

HOUSE BILL NO. 2413: Relating to educational opportunities;

SUBSTITUTE HOUSE BILL NO. 2644: Relating to determination of benefits under state retirement systems;

SUBSTITUTE HOUSE BILL NO. 2854: Relating to solid waste facilities and services procurement by counties with a population over one hundred thousand;

SUBSTITUTE HOUSE BILL NO. 2932: Relating to regional water resource planning.

Sincerely,
Thomas J. Felnagle, Counsel.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 2:00 p.m..

The Speaker (Ms. Hine presiding) called the House to order at 2:00 p.m.

The Speaker (Ms. Hine presiding) declared the House to be at ease.

The Speaker called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

March 30, 1990

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2379 with the following amendments:

Strike everything after the enacting clause and insert the following:

"LEARNING BY CHOICE

PART I

FAMILY INVOLVEMENT

NEW SECTION. Sec. 101. The legislature finds that academic achievement of Washington students can and should be improved. The legislature further finds that student success depends, in large part, on increased parental involvement in their children's education.

In order to take another step toward improving education in Washington, it is the purpose of this act to enhance the ability of parents to exercise choice in where they prefer their children attend school; inform parents of their options under local policies and state law for the

intradistrict and interdistrict enrollment of their children; and provide additional program opportunities for secondary students.

PART II
FAMILY CHOICE

Sec. 201. Section 28A.58.240, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 130, Laws of 1969 and RCW 28A.225.220 are each amended to read as follows:

(1) Any board of directors may make agreements with adults (~~(wishing)~~) choosing to attend school (or with the directors of other districts for the attendance of children in the school district of either as may be best accommodated therein); PROVIDED, That unless such arrangements are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students as best may be accommodated therein.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) School districts may establish annual transfer fees for nonresident students enrolled under subsection (3) of this section and section 203 of this 1990 act. Until rules are adopted under section 202 of this 1990 act for the calculation of the transfer fee, the transfer fee shall be calculated by the same formula as the fees authorized under section 10, chapter 130, Laws of 1969. These fees, if applied, shall be applied uniformly for all such nonresident students except as provided in this section. The superintendent of public instruction, from available funds, shall pay any transfer fees for low-income students assessed by districts under this section. All ((tuition money)) transfer fees must be paid over to the county treasurer within thirty days of its collection for the credit of the district in which such students attend. Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a ((tuition charge)) transfer fee as affecting the apportionment of current state school funds.

NEW SECTION. Sec. 202. TRANSFER FEE STUDY. (1) The superintendent of public instruction shall provide the legislature and the governor by December 1, 1990, a recommendation on the method for the calculation of a transfer fee and an estimate of the state funds needed to pay any transfer fee for low-income students assessed by districts under RCW 28A.225.220(6). The superintendent shall indicate the low-income eligibility criteria used in developing the cost estimate.

(2) This section expires December 31, 1990.

NEW SECTION. Sec. 203. A new section is added to Title 28A RCW to read as follows:

INTERDISTRICT TRANSFER PROCEDURES. (1) All districts accepting applications from non-resident students for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990.

(2) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3).

Sec. 204. Section 1, chapter 66, Laws of 1975 1st ex. sess. as last amended by section 236, chapter 33, Laws of 1990 and RCW 28A.225.230 are each amended to read as follows:

(1) The decision of a school district within which a student under the age of twenty-one years resides or of a school district within which such a student under the age of twenty-one years was last enrolled and is considered to be a resident for attendance purposes by operation of law, to deny such student's request for release to a nonresident school district ~~((by an agreement))~~ pursuant to RCW 28A.225.220 may be appealed to the superintendent of public instruction or his or her designee; PROVIDED, That the school district of proposed transfer is willing to accept the student.

(2) The superintendent of public instruction or his or her designee shall hear the appeal and examine the evidence. The superintendent of public instruction may order the resident district to release such a student who is under the age of twenty-one years ~~((in the event he or she or his or her designee finds that a special hardship or detrimental condition of a financial, educational, safety or health nature affecting the student or the student's immediate family or~~

custodian may likely be significantly alleviated as a result of the transfer)) if the requirements of RCW 28A.225.220 have been met. The decision of the superintendent of public instruction may be appealed to superior court pursuant to chapter 34.05 RCW, the administrative procedure act, as now or hereafter amended.

(3) The decision of a school district to deny the request for accepting the transfer of a non-resident student under section 203 of this 1990 act may be appealed to the superintendent of public instruction or his or her designee. The superintendent or his or her designee shall hear the appeal and examine the evidence. The superintendent of public instruction may order the district to accept the nonresident student if the district did not comply with the standards and procedures adopted under section 203 of this 1990 act. The decision of the superintendent of public instruction may be appealed to the superior court under chapter 34.05 RCW.

NEW SECTION, Sec. 205. A new section is added to Title 28A RCW to read as follows:

INTRADISTRICT TRANSFER POLICIES. Each school district in the state shall adopt and implement a policy allowing intradistrict enrollment options no later than June 30, 1990. Each district shall establish its own policy establishing standards on how the intradistrict enrollment options will be implemented.

NEW SECTION, Sec. 206. A new section is added to Title 28A RCW to read as follows:

ELIGIBILITY FOR EXTRACURRICULAR ACTIVITIES. Eligibility of transfer students under RCW 28A.225.220 and section 203 of this act for participation in extracurricular activities shall be subject to rules adopted by the Washington interscholastic activities association as authorized by the state board of education.

NEW SECTION, Sec. 207. A new section is added to Title 28A RCW to read as follows:

INFORMATION BOOKLET. (1) The superintendent of public instruction shall prepare and annually distribute an information booklet outlining parents' and guardians' enrollment options for their children.

(2) Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, 28A.175.090, 28A.340.010 through 28A.340.070 (small high school cooperative projects), and RCW 28A.335.160.

(b) Information about the running start - community college or vocational-technical institute choice program under sections 401 through 411 of this act; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090.

NEW SECTION, Sec. 208. A new section is added to Title 28A RCW to read as follows:

INFORMATION ABOUT ENROLLMENT OPTIONS. Each school district board of directors annually shall inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities. Information on intradistrict enrollment options and interdistrict acceptance policies shall be provided to nonresidents on request.

NEW SECTION, Sec. 209. A new section is added to Title 28A RCW to read as follows:

IMPACT ON EXISTING COOPERATIVE ARRANGEMENTS. Any school district board of directors may make arrangements with the board of directors of other districts for children to attend the school district of choice. Nothing under RCW 28A.225.220 and section 203 of this act is intended to adversely affect agreements between school districts in effect on the effective date of this section.

NEW SECTION, Sec. 210. REPORTS. (1) The superintendent of public instruction shall collect and maintain information on student transfers for each district and state-wide under RCW 28A.225.220 and section 203 of this act.

(2) The superintendent of public instruction shall report to the legislature and the governor annually beginning December 1, 1992, the following information:

(a) The number of and reason or reasons for requests for transfer out of a district;

(b) The number of and reason or reasons for the denial of a request to transfer out of a district;

(c) The number of and reason or reasons for requests for transfer into a district;

(d) The number of and reason or reasons for the denial of a request to transfer into a district; and

(e) The impact, if any, on a district's educational program as a result of the transfer of a student or students to another district.

NEW SECTION, Sec. 211. TRANSPORTATION AND INFORMATION BOOKLET STUDIES. The superintendent of public instruction shall make recommendations to the legislature and governor no later than December 1, 1990, on the following issues:

(1) If a child attends a nonresident district, shall the parent provide transportation to the nonresident district boundary or the boundary of the nonresident school;

(2) What would be the cost of providing a subsidy for transportation to the nonresident district boundary or the boundary of the nonresident school for low-income students; and

(3) Shall the information booklet outlined in section 207 of this act be distributed to all parents annually or made available to parents at the district office, school buildings, and public libraries, and what is the cost of each option?

PART III

SEVENTH AND EIGHTH GRADE CHOICE

Sec. 301. Section 6, chapter 278, Laws of 1984 as last amended by section 1, chapter 172, Laws of 1988 and RCW 28A.230.090 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students who commence the ninth grade subsequent to July 1, 1985, that meet or exceed the following:

SUBJECT	CREDITS
English	3
Mathematics	2
Social Studies	
United States history and government	1
Washington state history and government	1/2
Contemporary world history, geography, and problems	1
Science (1 credit must be in laboratory science)	2
Occupational Education	1
Physical Education	2
Electives	5 1/2
Total	18

(2) For the purposes of this section one credit is equivalent to one year of study.

(3) The Washington state history and government requirement may be fulfilled by students in grades seven or eight or both. Students who have completed the Washington state history and government requirement in grades seven or eight or both shall be considered to have fulfilled the Washington state history and government requirement.

(4) A candidate for graduation must have in addition earned a minimum of 18 credits including all required courses. These credits shall consist of the state requirements listed above and such additional requirements and electives as shall be established by each district.

(5) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(6) Pursuant to any foreign language requirement established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in sign language shall be considered to have satisfied the state or local school district foreign language graduation requirement.

(7) If requested by the student and his or her family, a student who has completed high school courses while in seventh and eighth grade shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(8) Students who have taken and successfully completed high school courses under the circumstances in subsection (7) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit. Subsection (7) of this section shall also apply to students enrolled in high school on the effective date of this section who took the courses while they were in seventh and eighth grade.

PART IV

RUNNING START—COMMUNITY COLLEGE AND VOCATIONAL-TECHNICAL INSTITUTE CHOICE

NEW SECTION. Sec. 401. As used in sections 401 through 410 of this act, community college means a public community college as defined in chapter 28B.50 RCW.

NEW SECTION. Sec. 402. (1) Eleventh and twelfth grade students or students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grades may apply to a community college or vocational-technical institute to enroll in courses or programs offered by the community college or vocational-technical institute. If a

community college or vocational-technical institute accepts a secondary school pupil for enrollment under this section, the community college or vocational-technical institute shall send written notice to the pupil, the pupil's school district, and the superintendent of public instruction within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2) The pupil's school district shall transmit to the community college or vocational-technical institute a sum not exceeding the amount of state funds under RCW 28A.150.260 generated by a full time equivalent student and in proportion to the number of hours of instruction the pupil receives at the community college or vocational-technical institute and at the high school. The community college or vocational-technical institute shall not require the pupil to pay any other fees. The funds received by the community college or vocational-technical institute from the school district shall not be deemed tuition or operating fees and may be retained by the community college or vocational-technical institute. A student enrolled under this subsection shall not be counted for the purpose of determining any enrollment restrictions imposed by the state on the community colleges.

NEW SECTION. Sec. 403. A school district shall provide general information about the program to all pupils in grades ten and eleven and the parents and guardians of those pupils. To assist the district in planning, a pupil shall inform the district of the pupil's intent to enroll in community college or a vocational-technical institute courses for credit. Students are responsible for applying for admission to the community college or vocational-technical institute.

NEW SECTION. Sec. 404. A pupil who enrolls in a community college or a vocational-technical institute in grade eleven may not enroll in postsecondary courses under sections 401 through 410 of this act for high school credit and community college or vocational-technical institute credit for more than the equivalent of the course work for two academic years. A pupil who first enrolls in a community college or vocational-technical institute in grade twelve may not enroll in postsecondary courses under this section for high school credit and community college or vocational-technical institute credit for more than the equivalent of the course work for one academic year.

NEW SECTION. Sec. 405. Once a pupil has been enrolled in a postsecondary course, program, or vocational-technical institute under this section, the pupil shall not be displaced by another student.

NEW SECTION. Sec. 406. A pupil may enroll in a course under sections 401 through 410 of this act for both high school credit and college level academic and vocational or vocational-technical institute credit.

NEW SECTION. Sec. 407. A school district shall grant academic credit to a pupil enrolled in a course for high school credit if the pupil successfully completes the course. If no comparable course is offered by the school district, the school district superintendent shall determine how many credits to award for the course. The determination shall be made in writing before the pupil enrolls in the course. The credits shall be applied toward graduation requirements and subject area requirements. Evidence of the successful completion of each course in a community college or vocational-technical institute shall be included in the pupil's secondary school records and transcript. The transcript shall also note that the course was taken at a community college or vocational-technical institute.

NEW SECTION. Sec. 408. Any state institution of higher education may award postsecondary credit for college level academic and vocational or vocational-technical institute courses successfully completed by a student while in high school and taken at a community college or vocational-technical institute. The state institution of higher education shall not charge a fee for the award of the credits.

NEW SECTION. Sec. 409. Transportation to and from the community college or vocational-technical institute is not the responsibility of the school district.

NEW SECTION. Sec. 410. The superintendent of public instruction, the state board for community college education, and the higher education coordinating board shall jointly develop and adopt rules governing sections 401 through 409 of this act, if rules are necessary. The rules shall be written to encourage the maximum use of the program and shall not narrow or limit the enrollment options under sections 401 through 409 of this act.

NEW SECTION. Sec. 411. (1) Sections 401 through 410 of this act may be implemented in up to five community college districts during the 1990-91 and 1991-92 school years. Any school district within any of the selected community college districts may participate in the program. The five community college districts shall be selected from applicants by the state board for community college education. The board shall select community college districts from both eastern and western Washington. Sections 401 through 410 of this act are applicable throughout the state beginning with the 1992-93 school year. Participation by community college districts under sections 401 through 410 of this act is in addition to agreements between school districts and community college districts in effect on the effective date of this section and in the future.

(2) Sections 401 through 410 of this act may be implemented in all vocational-technical institutes beginning with the 1990-91 school year and shall be implemented in all vocational-technical institutes in the 1991-92 school year.

NEW SECTION. Sec. 412. Sections 401 through 411 of this act are in addition to and not intended to adversely affect agreements between school districts and community college districts or vocational-technical institutes in effect on the effective date of this section and in the future.

Sec. 413. Section 2, chapter 257, Laws of 1981 as last amended by section 1, chapter 42, Laws of 1986 and RCW 28B.15.067 are each amended to read as follows:

(1) Tuition fees shall be established and adjusted annually under the provisions of this chapter beginning with the 1987-88 academic year. Such fees shall be identical, subject to other provisions of this chapter, for students enrolled at either state university, for students enrolled at the regional universities and The Evergreen State College and for students enrolled at any community college. Tuition fees shall reflect the undergraduate and graduate educational costs of the state universities, the regional universities and the community colleges, respectively, in the amounts prescribed in this chapter. The change from the biennial tuition fee adjustment to an annual tuition fee adjustment shall not reduce the amount of revenue to the state general fund.

(2) The tuition fees established under this section shall not apply to high school students enrolling in community colleges under sections 401 through 411 of this 1990 act.

NEW SECTION. Sec. 414. Sections 401 through 412 of this act are each added to Title 28A RCW.

NEW SECTION. Sec. 415. (1) The running start task force is created. The task force shall be comprised of at least one representative from each of the following groups, appointed by the respective groups except as provided under subsection (2) of this section:

- (a) The higher education coordinating board;
- (b) The state board for community college education;
- (c) The office of the superintendent of public instruction;
- (d) The state board of education;
- (e) The inter-institutional council of academic officers;
- (f) Vocational-technical institutes;
- (g) High school students;
- (h) Parents;
- (i) The office of the governor; and
- (j) One legislator from each caucus of the house of representatives appointed by the speaker of the house of representatives and one legislator from each caucus of the senate appointed by the president of the senate.

(2) The governor shall appoint the members under subsection (1)(f) through (l) of this section within thirty days of the effective date of this section. The governor may appoint other persons to serve on the task force. The task force shall elect a chair from among its members.

(3) Legislative members shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(4) The task force shall study and report to the legislature by June 1, 1991, on, but not limited to, whether the program should be expanded to allow the eligible high school students to enroll in public four-year higher education institutions.

(5) This section shall expire June 30, 1991.

PART V MISCELLANEOUS

NEW SECTION. Sec. 501. CAPTIONS AND HEADINGS NOT LAW. Part headings and section headings do not constitute any part of the law.

NEW SECTION. Sec. 502. 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. 503. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "options;" strike the remainder of the title and insert "amending RCW 28A.225.220, 28A.225.230, 28A.230.090, and 28B.15.067; adding new sections to Title 28A RCW; creating new sections; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendments to Second Substitute House Bill No. 2379.

Representatives Peery, Betrozoff and Wang spoke in favor of the motion, and Mr. Wineberry opposed it.

The Speaker called on Representative O'Brien to preside.

Representatives Schoon and Cole spoke against the motion, and Ms. K. Wilson spoke in favor of it.

The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 2379 as amended by the Senate.

Representatives Peery and Brough spoke in favor of passage of the bill, and Mr. Locke spoke against it.

POINT OF INQUIRY

Mr. Peery yielded to question by Mr. Wang.

Mr. Wang: Representative Peery, Section 205 on "Intradistrict Transfer Policies" provides that "Each school district in the state shall adopt and implement a policy allowing intradistrict enrollment options no later than June 30, 1990." The Senate amendment differs from the House version by adding the words "and implement" and changing the date 1991 to 1990. Under this language, would a district be able to phase in a plan for intradistrict transfers, or does it require the transfer policy to actually take effect by June 30, 1990?

Mr. Peery: Representative Wang, a district would be able to phase in a plan which would take effect after June 30. The phrase "no later than June 30, 1990" is only intended to modify the requirement that a district adopt a policy by that date. It can be a preliminary policy which is subject to modification after that date. Implementation can be phased in on a gradual basis. The addition of the words "and implement" was only intended to stress that the district must take action on its policy by June 30, not to require a district to have the plan totally in effect by that date. In fact, the next sentence in that section further clarifies that districts have flexibility both on their policy and on how to implement the intradistrict enrollment options.

Representatives Schoon and Wineberry spoke against passage of the bill, and Representatives Berozoff and Valle spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2379 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 66; nays, 30; excused, 2.

Voting yea: Representatives Appelwick, Ballard, Basich, Belcher, Bennett, Berozoff, Braddock, Brooks, Brough, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ellis, Ferguson, Fisher G. Forner, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P. Kremen, May, Meyers R. Moyer, Myers H. Nutley, O'Brien, Padden, Peery, Prentice, Pruitt, Raiter, Rector, Sayan, Silver, Smith, Sommers D. Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K. Wilson S. Wolfe, Wood, and Mr. Speaker - 66.

Voting nay: Representatives Anderson, Baugher, Bowman, Brekke, Brumsickle, Cole, Fisher R. Fraser, Hankins, King R. Kirby, Leonard, Locke, McLean, Miller, Nealey, Nelson, Phillips, Prince, Rasmussen, Rayburn, Rust, Schmidt, Schoon, Scott, Sommers H. Wineberry, Winsley, Youngsman, Zellinsky - 30.

Excused: Representatives Beck, Morris - 2.

Second Substitute House Bill No. 2379 as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 30, 1990

Mr. Speaker:

The Senate has adopted:

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429,

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8449,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

March 30, 1990

Mr. Speaker:

The Senate has passed:

REENGROSSED SENATE BILL NO. 5371,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTIONS AND FIRST READING

RESB 5371 by Senators Gaspard, Bailey and Bauer

Establishing an award for excellence in teacher preparation.

ESSCR 8429 by Committee on Children & Family Services (originally sponsored by Senators Smith, Vognild, Bailey, Stratton and Conner)

Creating the Washington State Adoption Commission.

ESCR 8449 by Senator Newhouse

Amending House Concurrent Resolution No. 4442, permitting consideration of certain bills during special session.

MOTION

Mr. Ebersole moved that the rules be suspended and that Engrossed Senate Concurrent Resolution No. 8449 be advanced to second reading. The motion was carried.

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

SECOND READING

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8449, by Senator Newhouse

Amending House Concurrent Resolution No. 4442, permitting consideration of certain bills during special session.

The resolution was read the second time.

Mr. Ebersole moved adoption of the following amendment:

On page 1, line 7, after "corrections," insert "Substitute House Bill No. 2230, school employees benefit plans."

Mr. Ebersole spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

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

Engrossed Senate Concurrent Resolution No. 8449 as amended by the House was adopted.

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

MOTION

Mr. Ebersole moved that the rules be suspended and that Reengrossed Senate Bill No. 5371 be advanced to second reading. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

REENGROSSED SENATE BILL NO. 5371, by Senators Gaspard, Bailey and Bauer

Establishing an award for excellence in teacher preparation.

The bill was read the second time. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Valle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Senate Bill No. 5371, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ellis, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insole, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Beck, Morris - 2.

Reengrossed Senate Bill No. 5371, having received the constitutional majority, was declared passed.

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

MOTION

Mr. Ebersole moved that the rules be suspended and that Engrossed Substitute Senate Concurrent Resolution No. 8429 be advanced to second reading. The motion was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429, by Committee on Children & Family Services (originally sponsored by Senators Smith, Vognild, Bailey, Stratton and Conner)

Creating the Washington State Adoption Commission.

The resolution was read the second time. With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. Moyer spoke in favor of passage of the resolution.

Engrossed Substitute Senate Concurrent Resolution No. 8429 was adopted.

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

MOTION

Mr. Ebersole moved that Committee on Rules be relieved of House Bill No. 2230 and that the bill be placed on the second reading calendar.

Mr. Ebersole spoke in favor of the motion, and it was carried.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2230, by Representative Locke

Relating to health care. (t.o.)

The bill was read the second time. On motion of Mr. Ebersole, Substitute House Bill No. 2230 was substituted for House Bill No. 2230, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2230 was read the second time.

Mr. Locke moved adoption of the following amendment by Representatives Locke, Holland, Hine, Peery and Silver:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes the rising costs of health insurance premiums for school employees, and the increasing need to ensure effective use of state benefit dollars to obtain basic coverage for employees and their dependents. In school districts that do not pool benefit allocations among employees, increases in premium rates create particular

hardships for employees with families. For many of these employees, the increases translate directly into larger payroll deductions simply to maintain basic benefits.

The goal of this act is to provide access for school employees to basic coverage, including coverage for dependents, while minimizing employees' out-of-pocket premium costs. Unnecessary utilization of medical services can contribute to rising health insurance costs. Therefore, the legislature intends to encourage plans that promote appropriate utilization without creating major barriers to access to care. The legislature also intends that school districts pool state benefit allocations so as to eliminate major differences in out-of-pocket premium expenses for employees who do and do not need coverage for dependents.

Sec. 2. Section 205, chapter 2, Laws of 1987 1st ex. sess. and RCW 28A.58.0951 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a masters degree shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a masters degree and zero years of service;

(3)(a) The actual average salary paid to basic education certificated instructional staff shall not exceed the district's average basic education certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.41.112.

(b) Fringe benefit contributions for basic education certificated instructional staff shall be included as salary under (a) of this subsection to the extent that the district's actual average benefit contribution exceeds the greater of: (i) The formula amount for insurance benefits provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable; or (ii) the actual average amount provided by the school district in the 1986-87 school year. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.58.096, or employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, additional responsibilities, or incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.67.074, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.58.450 through 28A.58.515. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.58.420 and sections 5 and 6 of this act.

Sec. 3. Section 28A.58.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 16, chapter 107, Laws of 1988 and RCW 28A.58.420 are each amended to read as follows:

(1) The board of directors of any of the state's school districts may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district, and their dependents. Such coverage may be provided by contracts with private carriers, with the state health care authority after July 1, 1990, pursuant to the approval of the authority administrator, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law.

(2) Whenever funds (~~shall be~~) are available for these purposes the board of directors of the school district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts and their dependents. The premiums on such liability insurance shall be borne by the school district.

After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to sections 5 and 6 of this act.

(3) For school board members and students, the premiums due on such protection or insurance shall be borne by the assenting school board member or student: PROVIDED, That the school district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school or school district.

(4) All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

NEW SECTION, Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 5 and 6 of this act.

(1) 'School district employee benefit plan' means the overall plan used by the district for distributing fringe benefit subsidies to employees, including the method of determining employee coverage and the amount of employer contributions, as well as the characteristics of benefit providers and the specific benefits or coverage offered. It shall not include coverage offered to district employees for which there is no contribution from public funds.

(2) 'Fringe benefit' does not include liability coverage, old-age survivors' insurance, workers' compensation, unemployment compensation, retirement benefits under the Washington state retirement system, or payment for unused leave for illness or injury under RCW 28A.58.096.

(3) 'Basic benefits' are determined through local bargaining and are limited to medical, dental, vision, group term life, and group long-term disability insurance coverage.

(4) 'Benefit providers' include insurers, third party claims administrators, direct providers of employee fringe benefits, health maintenance organizations, health care service contractors, and the Washington state health care authority or any plan offered by the authority.

(5) 'Group term life insurance coverage' means term life insurance coverage provided for, at a minimum, all full-time employees in a bargaining unit or all full-time nonbargaining group employees.

(6) 'Group long-term disability insurance coverage' means long-term disability insurance coverage provided for, at a minimum, all full-time employees in a bargaining unit or all full-time nonbargaining group employees.

NEW SECTION, Sec. 5. (1) Any contract for employee benefits executed after the effective date of this act between a school district and a benefit provider or employee bargaining unit is null and void unless it contains an agreement to abide by state laws relating to school district employee benefits. The term of the contract may not exceed one year.

(2) School districts shall annually submit to the Washington state health care authority summary descriptions of all benefits offered under the district's employee benefit plan. The districts shall also submit data to the health care authority specifying the total number of employees and, for each employee, types of coverage or benefits received including numbers of covered dependents, the number of eligible dependents, the amount of the district's contribution, additional premium costs paid by the employee through payroll deductions, and the age and sex of the employee and each dependent. The plan descriptions and the data shall be submitted in a format and according to a schedule established by the health care authority.

(3) Any benefit provider offering a benefit plan by contract with a school district under subsection (1) of this section shall agree to make available to the school district the benefit plan descriptions and, where available, the demographic information on plan subscribers that the district is required to report to the Washington state health care authority under this section.

(4) This section shall not apply to benefit plans offered in the 1989-90 school year.

NEW SECTION, Sec. 6. (1) Except as provided in subsection (2) of this section, school districts may provide employer fringe benefit contributions after October 1, 1990, only for basic benefits. However, school districts may continue payments under contracts with employees or benefit providers in effect on the effective date of this act, until the contract expires.

(2) School districts may provide employer contributions after October 1, 1990, for optional benefit plans, in addition to basic benefits, only for employees included in pooling arrangements under this subsection. Optional benefit plans may not include employee beneficiary accounts that can be liquidated by the employee on termination of employment. Optional benefit plans may be offered only if:

(a) The school district pools benefit allocations among employees using a pooling arrangement that includes at least one employee bargaining unit and/or all nonbargaining group employees;

(b) Each full-time employee included in the pooling arrangement is offered basic benefits, including coverage for dependents, without a payroll deduction for premium charges;

(c) Each full-time employee included in the pooling arrangement, regardless of the number of dependents receiving basic coverage, receives the same additional employer contribution for other coverage or optional benefits; and

(d) For part-time employees included in the pooling arrangement, participation in optional benefit plans shall be governed by the same eligibility criteria and/or proration of employer contributions used for allocations for basic benefits.

(3) Savings accruing to school districts due to limitations on benefit options under this section shall be pooled and made available by the districts to reduce out-of-pocket premium expenses for employees needing basic coverage for dependents. School districts are not intended to divert state benefit allocations for other purposes.

NEW SECTION. Sec. 7. The Washington state health care authority, in consultation with the state insurance commissioner and the advisory committee established under this section, shall develop recommendations on school employee benefit plans, to be submitted to the appropriations committee of the house of representatives and the ways and means committee of the senate. The advisory committee shall include three members: A representative of health maintenance organizations, a representative of health care service contractors, and a representative of commercial carriers. The health care authority, the insurance commissioner, and the advisory committee shall submit preliminary recommendations by December 15, 1990, including a proposed set of guidelines for school employee benefit plans, to be considered by the legislature for implementation in the 1991-93 biennium. A final set of recommendations, including an analysis of demographic data on plan subscribers, shall be submitted by February 15, 1991. In developing the recommendations and guidelines, the health care authority, the insurance commissioner, and the advisory committee shall consider the need for local flexibility in plan design, as well as for equity between school district employees and state employees, and shall also consider the impact of collective bargaining by multiple bargaining units on school employee benefit plans and how they are structured. The recommendations and guidelines shall also address:

(1) Methods for ensuring equitable pooling of benefits among school district employees according to the need for coverage, including coverage of dependents;

(2) Giving top priority to using state benefit dollars for basic coverage, with particular emphasis on medical coverage;

(3) Methods of curbing overutilization of benefits through subscriber cost-sharing provisions or other means;

(4) Options for allocation of benefit contributions to part-time employees, taking into consideration patterns of employment unique to school districts and their impact on distribution of benefits;

(5) Standards for the financial practices of plan providers; and

(6) The availability and provision of coverage for retired school district employees.

This section shall expire June 30, 1991.

NEW SECTION. Sec. 8. Sections 4 through 6 of this act are each added to Title 28A RCW.

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

Mr. Locke spoke in favor of adoption of the amendment, and it was adopted.

On motion of Mr. Locke, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "amending RCW 28A.58.0951 and 28A.58.420; adding new sections to Title 28A RCW; creating new sections; and declaring an emergency."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Peery and Holland spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2230, and the bill passed the House by the following vote: Yeas, 88; nays, 8; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ellis, Ferguson, Fisher G, Fisher R, Former, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Todd, Valle, Van Luven, Vekich, Wang, Wilson K, Wilson S, Wineberry, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Brumsickle, Inslee, Meyers R, Prince, Schmidt, Tate, Walker, Winsley - 8.

Excused: Representatives Beck, Morris - 2.

Engrossed Substitute House Bill No. 2230, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 29, 1990

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8446,

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

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

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 90-4794, by Representatives Wood, Jacobsen, Rector, Van Luvan, Prince, Doty, Miller, Fraser, Heavey, Cole, Crane, O'Brien, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cooper, Day, Dellwo, Dorn, Ebersole, Ellis, Ferguson, G. Fisher, R. Fisher, Forner, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Inslee, Jesernig, Jones, J. King, P. King, R. King, Kirby, Kremen, Leonard, Locke, May, McLean, R. Meyers, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, Padden, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Vekich, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Youngsman and Zellinsky

WHEREAS, Edmonds Community College will formally dedicate the EDCC Japan Campus in Kobe, Japan on April 10; and

WHEREAS, The dedication marks a pioneering effort in Washington State and the nation; and

WHEREAS, The partnership between the Mizota Group and Edmonds Community College has enabled this educational venture to become a reality; and

WHEREAS, Such a comprehensive educational program will further international understanding and will strengthen and enhance Pacific Rim relationships;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commemorate the opening by Edmonds Community College of the EDCC Japan Campus.

Ms. Wood moved adoption of the resolution and spoke in favor of it.

On motion of Ms. Brough, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 90-4794 was adopted.

HOUSE FLOOR RESOLUTION NO. 90-4791, by Representatives Jacobsen, Prince, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ellis, Ferguson, G. Fisher, R. Fisher, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jesernig, Jones, J. King, P. King, R. King, Kirby, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, In 1981, in order to honor outstanding High School Seniors, the Washington State Legislature created the Washington Scholars Program; and

WHEREAS, Three seniors are selected from each of the state's forty-nine Legislative Districts; and

WHEREAS, These students are selected for their exceptional academic achievements, leadership abilities and community contributions; and

WHEREAS, The students selected for special recognition as Washington Scholars in 1990 have distinguished themselves as student leaders and as enthusiastic

and energetic participants in diverse activities including music, drama, debate, art, sports, Junior Achievement and knowledge competitions; and

WHEREAS, These distinguished students have also contributed to the welfare of those less fortunate in their communities through volunteer efforts with organizations such as the Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives and church groups; and

WHEREAS, The citizens of the State of Washington benefit from the accomplishments of these caring and gifted individuals and will continue to benefit as these students become leaders of our communities and our state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of Washington State honor and congratulate the Washington Scholars for their hard work, dedication and maturity in achieving this noteworthy accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for their encouragement and support; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to all of the Washington Scholars selected in 1990.

Mr. Jacobsen moved adoption of the resolution and spoke in favor of it.

On motion of Mr. Jacobsen, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 90-4791 was adopted.

HOUSE FLOOR RESOLUTION NO. 90-4795, by Representatives Bennett, Tate, Rasmussen and Dorn

WHEREAS, The City of Puyallup was founded in 1890, after it was discovered that hops grew well in the fertile soil, enticing settlers to create homesteads within the community; and

WHEREAS, The City of Puyallup is nationally recognized for agricultural products, including various berry crops and the beautiful daffodil; and

WHEREAS, One of the first settlers of the city was Ezra Meeker, who provided leadership in Puyallup's early days; and

WHEREAS, Puyallup has grown to become a city of over 20,000 residents, ranging from farmers carrying on a proud agricultural tradition to high-technology employees working for various new industries within the community; and

WHEREAS, The Daffodil Parade, founded in Puyallup, is the tenth largest floral parade in the country, and Puyallup is the home of the Western Washington State Fair, one of the largest fairs in the country; and

WHEREAS, Puyallup is celebrating its centennial this year with a variety of community events, including a full day of activities on August 18, 1990 for all citizens; and

WHEREAS, To prepare for the anniversary, the Puyallup Centennial Committee was formed and has been working hard since 1986 on this celebration; and

WHEREAS, In honor of the centennial, a special new variety of azalea, the "Puyallup Centennial," has been developed;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the City of Puyallup and its citizens while they celebrate their centennial; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Puyallup Centennial Committee and to the Mayor of Puyallup.

Mr. Bennett moved adoption of the resolution. Representatives Bennett, Tate and Dorn spoke in favor of adoption of the resolution.

House Floor Resolution No. 90-4795 was adopted.

HOUSE FLOOR RESOLUTION NO. 90-4799, by Representatives Ebersole, Jacobsen, Bennett, Gallagher, Walker, Winsley, Dorn, R. Meyers, Rasmussen, R. Fisher, Prince, Pruitt, Tate, Wang, Brough and Schoon

WHEREAS, Pacific Lutheran University has served the educational needs of the State of Washington for the past one hundred years; and

WHEREAS, During those years, Pacific Lutheran University has evolved from a two-year academy serving thirty students to the largest independent undergraduate university in the five-state northwest region; and

WHEREAS, Pacific Lutheran University has consistently provided its students with an education of the highest quality; and

WHEREAS, Pacific Lutheran University's eleventh and current President, William O. Rieke, M.D., was designated in the top five percent of effective college presidents in the nation, was named distinguished alumnus from the University of Washington Medical School, and was awarded Knight First Class Royal Norwegian Order of Merit by His Majesty King Olav V of Norway; and

WHEREAS, In the past fifteen years, Pacific Lutheran University has graduated nineteen Fulbright Scholars, including three of Washington State's five 1989 Fulbright Scholars; and

WHEREAS, Pacific Lutheran University's centennial theme is "Educating for Service—Century II";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives congratulate the distinguished students, alumni, faculty, administrators, governing board members and friends of Pacific Lutheran University on their dedication to providing an education of the highest quality for the past one hundred years; and

BE IT FURTHER RESOLVED, That the House of Representatives extend best wishes to the University and its friends for continued success during the next 100 years.

Mr. Ebersole moved adoption of the resolution. Representatives Ebersole and Winsley spoke in favor of adoption of the resolution.

House Floor Resolution No. 90-4799 was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 7:00 p.m.

EVENING SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 7:00 p.m.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

March 30, 1990

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6624,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTION AND FIRST READING

ESSB 6624 by Committee on Ways & Means (originally sponsored by Senators McDonald and Stratton; by request of Office of Financial Management)

Changing provisions relating to the family independence program.

MOTION

On motion of Mr. Ebersole, the rules were suspended and Engrossed Substitute Senate Bill No. 6624 was advanced to second reading and read the second time in full.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Locke and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6624, and the bill passed the House by the following vote: Yeas, 94; nays, 1; absent, 1; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beicher, Bennett, Betzoff, Bowman, Braddock, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ellis, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insole, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Brekke - 1.

Absent: Representative Gallagher - 1.

Excused: Representatives Beck, Morris - 2.

Engrossed Substitute Senate Bill No. 6624, having received the constitutional majority, was declared passed.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 90-4800, by Representatives Vekich, Prentice, Sprenkle, Ebersole, R. Fisher, R. King, Appelwick, Braddock, R. Meyers, J. King, Locke, Spanel, Rector, Phillips, Dorn, Cantwell, H. Myers, Raiter, Cole, Winsley, Baugher, Leonard, Jacobsen, Jesernig, Dellwo, Peery, Bennett, Grant, Hargrove, Valle, Rasmussen, K. Wilson, Todd, Crane, Zellinsky, Hine, Nutley, Heavey, P. King, Insole, Nelson, Scott, Fraser, G. Fisher, Day, Cooper, Ferguson, Sayan and Wang

WHEREAS, Harry Bridges was the Founder and President of the International Longshoremen's and Warehousemen's Union from 1932 until 1976; and

WHEREAS, Harry Bridges organized the 1934 general strike which gained the support of 150,000 workers on the West Coast and which stands as a major landmark in labor relations' history; and

WHEREAS, The result of the 1934 general strike was "decasualization," meaning the general acceptance of the Union Hiring Hall and the elimination of the "shape-up," an odious practice where employers chose workers on a day-to-day basis depending upon the size of the kickback that they could collect from the workers on that given day; and

WHEREAS, In memory of the two men who were killed and the one hundred-nine who were injured on July 5, 1934 during the general strike on the day known as "Bloody Thursday" no ship has since been loaded or unloaded by longshoremen on July 5 of any year; and

WHEREAS, Harry Bridges was a pioneer in the fight against racism, demanding inclusion of minorities in the union at a very early date; and

WHEREAS, Harry Bridges was an outstanding leader who believed in worker's democracy, based on his belief in the ability of the rank and file to make even the most important decisions; and

WHEREAS, Harry Bridges espoused the principle of mutual respect between labor and management, which principle was embodied in the "mechanization and modernization" agreement he worked out with management in the 1960s to improve productivity and increase benefits to management and labor; and

WHEREAS, Through his efforts, Harry Bridges has made ILWU members among the best-compensated workers on the West Coast; and

WHEREAS, Because of Harry Bridges' leadership, the West Coast of the United States has a smaller and more productive workforce that is able to move more tonnage today than the workforces of the East Coast and Gulf Coast combined; and

WHEREAS, Harry Bridges was jailed for his political beliefs and threatened with deportation by the United States government for his belief in the rights of workers; and

WHEREAS, Never again should people be punished for what they believe; and

WHEREAS, Harry Bridges said, "Ninety-five percent of the bad things about me are true; it's just that they aren't bad"; and

WHEREAS, International Longshoremen's and Warehousemen's Union Local 24 at Aberdeen, Local 25 at Anacortes, Local 7 at Bellingham, Local 32 at Everett, Local 47 at Olympia, Local 27 at Port Angeles, Local 51 at Port Gamble, Local 1 at Raymond, Local 19 at Seattle, and Local 23 at Tacoma are all located in Washington and have all been profoundly affected by Harry Bridges' life; and

WHEREAS, The motto of the ILWU is "an injury to one is an injury to all"; and

WHEREAS, The loss of Harry Bridges on March 30, 1990 is a loss to all;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives remember and honor Harry Bridges for the great life that he led, for all of the lives that he made better and for the shining example that his life provides for all of us today; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Secretary of Labor, Elizabeth Dole; to the International Longshoremen's and Warehousemen's Union Headquarters and Local Halls in Aberdeen, Anacortes, Bellingham, Everett, Olympia, Port Angeles, Port Gamble, Raymond, Seattle and Tacoma; and to the family of Harry Bridges.

Mr. Vekich moved adoption of the resolution. Representatives Vekich and Sajan spoke in favor of adoption of the resolution.

House Floor Resolution No. 90-4800 was adopted.

MESSAGES FROM THE SENATE

March 31, 1990

Mr. Speaker:

The Senate has concurred in the House amendment to ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8449 and passed the resolution as amended by the House.

W. D. Naismith, Assistant Secretary.

March 31, 1990

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5371,

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SECOND SUBSTITUTE HOUSE BILL NO. 2379,

HOUSE CONCURRENT RESOLUTION NO. 4445,

SENATE BILL NO. 5371,

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8429,

SENATE CONCURRENT RESOLUTION NO. 8446.

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

MOTION

On motion of Mr. Ebersole, the House adjourned until 1:00 p.m., Sunday, April 1, 1990.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION
TWENTY-FOURTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Sunday, April 1, 1990

The House was called to order at 1:00 p.m. by the Speaker (Ms. Nutley presiding). The Clerk called the roll and all members were present except Representatives Beck, Kirby, Morris and Padden. On motion of Mr. Heavey, Representative Kirby was excused. On motion of Ms. Miller, Representatives Beck and Padden were excused.

Prayer was offered by Representative John A. Moyer.

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

MESSAGES FROM THE GOVERNOR

March 30, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on March 30, 1990, Governor Gardner approved the following House Bill entitled:

SUBSTITUTE HOUSE BILL NO. 2327: Relating to sunset review.

Sincerely,
Thomas J. Felnagle, Counsel.

March 30, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Engrossed Substitute House Bill No. 2603 entitled:

"AN ACT Relating to children's health."

This bill establishes the children's health program to provide health care services to children in poverty who are not otherwise eligible for medical assistance. I appreciate the Legislature's support for this state-funded health care program for young people in poverty.

Section 3 of this bill substantially changes the access support portion of the original proposal. My intention in our original bill was to have the Department of Social and Health Services (DSHS) work closely with the Department of Health to identify areas of the state experiencing difficulties with access of young children to pediatric care. I also intended the Department of Social and Health Services, in close coordination with the Department of Health, to provide technical and financial assistance to local communities to break down the barriers to access for poor children. The access support program for pediatric care was to use substantially the same process as is being used for maternity and perinatal care in the First Steps program.

Section 3 essentially allows only county governments to apply for and receive state financial and technical assistance. The circumstances under which a local health care provider, such as a community or migrant clinic, may solicit state financial and technical support are unnecessarily constrictive. This is a different process than is used in the First Steps program.

Local communities are best able to identify problems with access, and are best able to develop local resources. The state should not dictate to local communities who should participate or what they should do. Within the boundaries of accountability, this program should have sufficient flexibility to allow the state to support innovative ideas. I encourage all local health care providers and county health departments to step up to the challenge of addressing poor children's access to health care.

The remainder of the bill contains sufficient statutory structure to allow the Department of Social and Health Services to administer an access support program. I direct DSHS, subject to funding, to work closely with the Department of Health to adopt an access support program that follows substantially the same process used in the First Steps program.

With the exception of section 3, Engrossed Substitute House Bill No. 2603 is approved.

Respectfully submitted,
Booth Gardner, Governor.

March 31, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2, 3, 4, 5, 6, 7 and 8, Engrossed House Bill No. 2939 entitled:

"AN ACT Relating to population limits at correctional institutions."

Section 1 of this bill repeals the statutory limits on the inmate populations of Shelton and Monroe correctional facilities. This change is necessary for the Department of Corrections to accommodate a rapidly increasing inmate population. Recent enhancements to the state's criminal statutes, particularly with respect to drug offenders, burglars and sex offenders, are projected to cause a doubling of prison inmates by the year 1996. Every effort must be made to ensure that these offenders are not released for lack of space.

Sections 2 through 7 establish a formula for providing mitigation funds to certain communities affected by the repealed population caps. I recognize that some communities have experienced the brunt of the state's need for prison sites.

I further recognize that those communities should not be asked to experience negative impacts without recompense. Nonetheless, I cannot support the provisions of this bill which offer a piecemeal approach to mitigation funding. If a statutory mitigation funding formula is to be adopted, it must be applicable statewide.

In addition, section 8 of this measure requires the Department of Corrections to continue staffing at the Washington Corrections Center at a level consistent with the current prison staffing model. This model is an administrative tool, and should not be embodied in statute. Furthermore, section 8 proposes to violate its own direction by prohibiting the department from staffing below current levels. Where the model would justify staffing at lower levels, fiscal prudence demands that we do so.

For the reasons stated above, I have vetoed sections 2, 3, 4, 5, 6, 7 and 8.

With the exception of sections 2, 3, 4, 5, 6, 7 and 8, Engrossed House Bill No. 2939 is approved.

Respectfully submitted,
Booth Gardner, Governor.

March 31, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 2940 entitled:

"AN ACT Relating to vehicle dealer documentary service fees."

This bill would provide vehicle dealers with an exception from the Unfair Practices - Dealer's Licenses statute. The dealers would be able to itemize on sales documents a "documentary service fee" of up to twenty-five dollars per vehicle

sale for their preparation and handling of documents relating to licensing, registration, title verification, transfer of title, and the like. Dealers would be required to disclose this service fee in any advertisement.

The purpose of the Unfair Practices statute is to protect consumers from misleading and deceptive charges in sales documents. This bill does not further that purpose. Consumers are likely to be confused about their obligation to pay the fee. Consumers may wrongly assume that the fee is authorized or even mandated by the State. Many consumers are not sophisticated in negotiating the purchase of a vehicle and this fee makes it harder for them to understand the already confusing components of the purchase price.

While I understand the vehicle dealers' concern about their responsibilities in assuring that vehicle sales are properly documented, I am mindful of several improvements over the last year that assist dealers in complying with federal, state, and financial institution requirements.

These improvements include the motor vehicle excise tax simplifications that are part of this year's fuel tax bill -- improvements that greatly streamline and simplify the valuation and depreciation process. I am also aware of the Dealer Manual, published by the Department of Licensing for the first time last year, which is available to all dealers, containing clear, concise direction for vehicle licensing. Additionally, the Department of Licensing recently extended, from fifteen to thirty days, the time allowed dealers to transfer title.

Because I am confident that the concerns leading to Substitute House Bill No. 2940 can best be addressed outside of the legislative arena, I direct the Department of Licensing, through its Industry Advisory Committee, to identify means to further simplify and reduce the regulatory burden placed on the motor vehicle dealer industry.

For the reasons stated above, I have vetoed Engrossed Substitute House Bill No. 2940 in its entirety.

Respectfully submitted,
Booth Gardner, Governor.

The Speaker (Ms. Nutley presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

MESSAGE FROM THE SENATE

March 31, 1990

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6906,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTION AND FIRST READING

SB 6906 by Senator Nelson

Making minor adjustments to chapter 3, Laws of 1990, concerning criminal offenders.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and Senate Bill No. 6906 was advanced to second reading and read the second time in full.

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

Representatives Appelwick and May spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6906, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ellis, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean,

Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Meyers R, Morris - 2.

Excused: Representatives Beck, Kirby, Padden - 3.

Senate Bill No. 6906, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 30, 1990

Mr. Speaker:

The Senate has adopted:

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8444.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTION AND FIRST READING

ESCR 8444 by Senators Wojahn, Vognild, Warnke, Bauer, Rasmussen, McDonald, West, Madsen, Talmadge, Fleming, Lee, Sellar, Smith, Johnson, Niemi, Craswell, Owen, Williams, Cantu, Saling, Newhouse and Moore

Requesting a legislative proposal for management of disabilities trust land.

MOTION

On motion of Mr. Ebersole, the rules were suspended and Engrossed Senate Concurrent Resolution No. 8444 was advanced to second reading and read the second time in full.

Ms. H. Sommers moved adoption of the following amendments by Representatives H. Sommers and Schoon:

On page 1, line 28 strike "Appropriations" and insert "Capital Facilities and Financing"

On page 1, line 28 after "shall" strike all material through "community" on page 2, line 10 and insert "review the management of state lands devoted to the care of mentally ill and disabled persons and other lands held in trust, and shall make recommendations to the 1991 session of the legislature that will ensure that the management of these lands is consistent with constitutional and trust law requirements"

Representatives H. Sommers and Schoon spoke in favor of adoption of the amendments, and they were adopted.

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

Engrossed Senate Concurrent Resolution No. 8444 as amended by the House was adopted.

MESSAGES FROM THE SENATE

March 31, 1990

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8449.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 1, 1990

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6624,

SECOND SUBSTITUTE HOUSE BILL NO. 2379,

HOUSE CONCURRENT RESOLUTION NO. 4445,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

On motion of Mr. Heavey, Representative Morris was excused.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 6:30 p.m.

EVENING SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 6:30 p.m.

SENATE AMENDMENT TO HOUSE BILL

March 30, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 3035 with the following amendment:

On page 1, beginning on line 4, strike "one million eight hundred thousand" and insert "three million"

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. H. Sommers moved that the House refuse to concur in the Senate amendment to Substitute House Bill No. 3035 and ask the Senate to recede therefrom.

Mr. Inslee spoke in favor of the motion, and it was carried.

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

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 90-4798, by Representatives Jacobsen, Prince, Cole, Anderson, R. Fisher, H. Sommers, Nelson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cooper, Crane, Day, Dellwo, Dorn, Ebersole, Ellis, Ferguson, G. Fisher, Forner, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jesernig, Jones, J. King, P. King, R. King, Kirby, Kremen, Leonard, Locke, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wood and Zellinsky

WHEREAS, Giovanni Costigan, Professor Emeritus of History at the University of Washington, whose giant intellect and powerful sense of justice has touched generations of Washington students, will be greatly missed by his many admirers, students, family and friends; and

WHEREAS, Giovanni Costigan was raised in England, and schooled at Oxford and the University of Wisconsin before joining the University of Idaho's faculty in 1930 and the University of Washington's faculty in 1934; and

WHEREAS, Giovanni Costigan was a thoughtful and eloquent scholar who made the world his classroom and who, for more than forty-one years, inspired generations of Washington students to study, reach conclusions and defend courageously subsequent beliefs; and

WHEREAS, In 1970, Giovanni Costigan was awarded the University of Washington Alumni Association's first Distinguished Teaching Award; and

WHEREAS, Giovanni Costigan was a gentle poet and fearless champion of social justice, political freedom and the unfettered human spirit; and

WHEREAS, Giovanni Costigan was a combative man of peace who passionately spoke out on a wide range of issues, including the anti-Communist witch hunts of the McCarthy era, the United States' involvement in the Vietnam War, the Reagan administration's record on human rights, the arms' race and the Cold War mentality, the United States' involvement in Central America, and human rights violations in the Soviet Union; and

WHEREAS, In 1977, the legislature recognized Giovanni Costigan's outstanding contributions as a scholar and teacher when it enacted a law designed to permit him and other exemplary faculty members to continue teaching after reaching age seventy;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives extend to Amne, Giovanni Costigan's wife of more than fifty years, its sincere regret that this intelligent and creative humanitarian is now gone from our midst; and

BE IT FURTHER RESOLVED, That the House of Representatives express its admiration for Giovanni Costigan, one of the true heroes of Washington history, who will live on through his books and lectures and in the memories of his students and colleagues.

Mr. Jacobsen moved adoption of the resolution. Representatives Jacobsen, Heavey, Prince, Phillips, Pruitt, Nelson, Wineberry, Anderson and Appelwick spoke in favor of the resolution.

On motion of Mr. Heavey, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Floor Resolution No. 90-4798 was adopted.

HOUSE FLOOR RESOLUTION NO. 90-4801, by Representatives Belcher, Fraser, Miller, Hankins, H. Sommers, Walker, Wineberry, Phillips, Leonard, Rasmussen, Wood, Rust, Brough, Bowman, Brumsickle, Prentice, Forner, McLean, Van Luven, Raiter, Nutley, K. Wilson, Dorn, Bennett, Dellwo, Wang, Jesernig, Appelwick, Pruitt, Doty, Anderson, Basich, Holland, Youngsman, Smith, Silver, Ferguson, Prince, May, Todd, Crane, Braddock, Brekke, R. Fisher, Haugen, Zellinsky, Locke, Sayan, Moyer, Vekich, Day, Hine, Sprenkle, Tate, Padden, Ellis, Wolfe, Nealey, Fuhrman, Horn, Cole, Scott, Rector, H. Myers, P. King, Ebersole, Inslee, Heavey, Rayburn, Jones, Peery, Jacobsen and Spanel

WHEREAS, Child sexual abuse is horrifyingly prevalent; and

WHEREAS, The gender of the child should not determine or influence our response and outrage, nor should it influence our decision to prosecute and provide assistance to the victims; and

WHEREAS, The majority of child sex abuse victims are girls and, according to the Federal Bureau of Investigation, one out of every three girls and one out of every ten boys will be sexually assaulted by the time they reach the age of eighteen; and

WHEREAS, Child rape victims are usually assaulted by someone they know, either a family member or a friend of the family, which often results in a failure to report and to treat the action as a serious sexual assault; and

WHEREAS, Gender bias exists in the attention focused by the media, in official response and in public outrage; and

WHEREAS, The physical and emotional trauma is equally severe for female and male victims: Female victims may suffer the loss of their ability to have children; both male and female victims may suffer lifelong mental disorders, such as multiple personalities, severe depression, inability to have a normal sex life and, in some cases, influences the victim later in life to become a sex abuser; and

WHEREAS, This trauma is often overlooked or minimized for female victims; and

WHEREAS, Recently, a three year old girl was sexually attacked and mutilated at her home in Olympia in an attack that victimizes her to a degree comparable to that of the young Tacoma boy, the victim whose case was widely publicized last year; and

WHEREAS, Thus far media attention and public response for the little girl have been limited;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State House of Representatives, That there must be an equal concern for sex abuse, regardless of gender, and there must be a stronger effort to prevent abuse for all children; and

BE IT FURTHER RESOLVED, That we express our profound sympathy to the little girl, who is the most recent severe victim, and urge concerned citizens to support her and her sisters; and

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to media throughout the state.

Ms. Fraser moved adoption of the resolution. Representatives Fraser, Walker, Ebersole, Miller and Wineberry spoke in favor of the resolution.

House Floor Resolution No. 90-4801 was adopted.

The Speaker assumed the Chair.

HOUSE FLOOR RESOLUTION NO. 90-4796, by Representatives Basich, Vekich, Hargrove, Jones, Ballard, Moyer, Betrozoff, R. King, Walker, Crane, Anderson, Appelwick, Baugher, Beck, Belcher, Bennett, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Doty, Ebersole, Ellis, Ferguson, G. Fisher, R. Fisher, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, J. King, P. King, Kirby, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Vaile, Van Luven, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, State Representative Doug Sayan plans to retire from the Washington State House of Representatives when his term expires, leaving a void that will be hard to fill; and

WHEREAS, Representative Sayan has served the people of the 35th Legislative District with honesty, integrity, compassion and a charitable heart for eight years; and

WHEREAS, Representative Sayan's impressive legislative career includes such achievements as helping to get state funding for the "Deeper Draft" project in Grays Harbor; for increased park facilities throughout the district; for the Washington Correctional Center in Mason County; and for programs for the mentally ill and developmentally disabled; and

WHEREAS, Representative Sayan was responsible for legislation creating the Washington Conservation Corps and the Washington Service Corps to help young people gain training and job experience; and

WHEREAS, Representative Sayan served as Chairman of the Joint Select Committee on Marine and Ocean Resources, where he led the fight during the 1989 Centennial Session of the Legislature to protect Washington's pristine coastline by establishing a six-year moratorium on oil and gas exploration; and

WHEREAS, As Chairman of the House Human Services Committee, Representative Sayan will be remembered for his tenacity in gathering strong bipartisan support for legislation to increase monthly welfare benefits paid to poor people and for raising the level of awareness throughout the state regarding problems caused by poverty in Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Representative Sayan for his service to the people of Washington State and the 35th Legislative District and remember him for his friendship and compassion; and

BE IT FURTHER RESOLVED, That members of the House of Representatives wish Representative Sayan much happiness and fulfillment in his plans to spend more time with his wife, Marilyn, and their children and grandchildren; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted to Representative Sayan and his family.

Mr. Basich moved adoption of the resolution and spoke in favor of it.

On motion of Ms. Miller, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

Representatives Moyer, K. Wilson, Hargrove, Zellinsky, Rayburn, Wineberry, O'Brien, Brough, Jones, Heavey, Baugher, Walker, Ebersole, Fraser and Vekich spoke in favor of the resolution.

PRESENTATION OF GIFT

On behalf of the members of the House of Representatives, Representative Hine presented a farewell gift to Representative Sayan.

POINT OF PERSONAL PRIVILEGE

Mr. Sayan: Thank you, Mr. Speaker. This is nice. First, I apologize for having taken so much time. It has been a great journey of eight wonderful years. Like life, in fact, it is that which happens after you have made other plans, generally. In keeping with what has been suggested about my usual remarks, these will be short.

I want to say that on that journey, if I have helped anyone, I am truly grateful for that opportunity. If I have harmed anyone, please understand that I am sorry because it was done out of ignorance and not out of intent. And this will be my final muster and there will not be another roll call for me, even if Fred May asks for it.

I want to share with you the closing lines from that great World War II song in which the lyricist wrote, "And when my life is through and when the angels ask me to recall the thrill of them all, that's when I'll tell them, 'I remember you.'" God bless you.

House Floor Resolution No. 90-4796 was adopted.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 6624,
SENATE CONCURRENT RESOLUTION NO. 8449.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 90-4797, by Representatives Brough, Vekich, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ellis, Ferguson, G. Fisher, R. Fisher, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslée, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kirby, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, State Representative Dick Schoon is retiring from the Washington State House of Representatives after serving southwest King County, Vashon Island, and the Edgewood and northeast Tacoma areas of Pierce County for eight years; and

WHEREAS, Representative Schoon is currently the Assistant Minority Whip, the Ranking Republican Member of the Capital Facilities and Financing Committee, and a member of the Education, Environmental Affairs, Trade and Economic Development, and Legislative Budget Committees; and

WHEREAS, Throughout his terms, he consistently exhibited a deep and abiding concern for his constituents, using Christian values to help them resolve their problems with the state and by truly representing their wishes without equivocation; and

WHEREAS, Representative Schoon has always shown his desire for efficient and responsive government by bringing ideas for the wise use of resources to his committee work; and

WHEREAS, Representative Schoon is dedicated to perpetuating the vigorous practice of democracy, and he diligently and carefully probed new legislation with detailed, thoughtful questions ensuring that the process achieved its purposes; and

WHEREAS, Representative Schoon's efforts caused many 30th District ideas to become realities, including the incorporation of Federal Way, a new park-and-ride on South 348th Street, protection of the environment, improvement in the district's small business climate for which he won an award, and establishment of the South King County Multi-Service Center to provide food, shelter and clothing for low-income citizens; and

WHEREAS, Representative Schoon is a devoted husband to Peggy, his wife of twenty-eight years, and a devoted father to his three children, David, Ron and Debbie, all of whom share his civic commitment;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Representative Schoon for his dedicated service to the people of Washington State and to the 30th Legislative District, for earnest and honest performance of his duties, and for his good-natured, humorous outlook; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Chief Clerk to Representative Schoon.

Ms. Brough moved adoption of the resolution. Representatives Brough and Heavey spoke in favor of the resolution.

On motion of Mr. Heavey, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

Representatives Hargrove, R. King, May, H. Sommers, Silver and Kremen spoke in favor of the resolution.

The Speaker called on Representative O'Brien to preside.

Representatives Brooks, Vekich, Rasmussen, Pruiitt, Winsley, Hankins, Valle and Cantwell spoke in favor of the resolution.

PRESENTATION OF GIFT

On behalf of the members of the House of Representatives, Representatives Brough and Vekich presented a farewell gift to Representative Schoon.

POINT OF PERSONAL PRIVILEGE

Mr. Schoon: To all my colleagues in the House: You are part of a wonderful institution. We go by Reed's Rules dating back to the 1860s; they precede the state itself. We have such a strong bond among ourselves, and it has been an honor for me to serve with the staff, with the most illustrious Speaker in the nation and with the current Speaker. I will miss you. I will miss the institution. But I won't forget you, because I will always be concerned with the activities of the Legislature. I will be concerned about the makeup. I will be concerned about the flaws of the system and will try to improve them. When you consider what would be second best, it is a long way away.

To those who stay: Good luck in your deliberations in the oncoming years. To Doug: Good luck in retirement. To those who move on to other positions: Best wishes. And to those who remain from my class of 1983: Good luck to you. Thank you very much. To all of you: I appreciate very much the courtesy of tonight.

House Floor Resolution No. 90-4797 was adopted.

POINT OF PERSONAL PRIVILEGE

Mr. S. Wilson: Thank you, Mr. Speaker. I wish to speak about another member of the House, who has chosen not to seek office here again. Perhaps it is not appropriate to introduce a resolution honoring him, simply because he is seeking office in another body. Perhaps he is seeking to retire to the Senate or to retire from the Legislature completely, I am not sure which. I do wish to comment on my office mate, a fellow dinosaur, Representative Curt Smith. He has served here since 1979, if I am not mistaken, and was part of the 49-49 tie and the brief Republican majority we enjoyed. He has served his district and the state very, very honorably during those years, giving able representation to the interests of his area. I don't know what more I can say. We know he is seeking honorable transfer, but I do believe that we ought to make note of the years he has spent here and the service that he has performed with us and for all of us. Thank you.

MESSAGES FROM THE SENATE

April 1, 1990

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8444 and passed the resolution as amended by the House.

W. D. Naismith, Assistant Secretary.

April 1, 1990

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2230.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MESSAGE FROM THE SENATE

March 30, 1990

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6091.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTION AND FIRST READING

ESB 6091 by Senators McDonald, Gaspard, Hayner and Vognild

Making an appropriation for the budget stabilization account.

MOTIONS

Mr. Ebersole moved that the rules be suspended and that Engrossed Senate Bill No. 6091 be advanced to second reading and read the second time in full.

Ms. Brough moved that the motion be amended to advance Engrossed Senate Bill No. 6909 to second reading. Ms. Brough spoke in favor of the motion.

SPEAKER'S RULING

The Speaker (Mr. O'Brien presiding): Your motion would be out of order at this time. If you want to make your motion separately a little bit later, I will recognize it. Now we have a motion to suspend the rules, advance Engrossed Senate Bill No. 6091 to second reading and read the bill in full. That is the issue before us.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

The Speaker stated the question before the House to be the motion by Representative Ebersole to suspend the rules, advance Engrossed Senate Bill No. 6091 to second reading and read the bill the second time in full.

The motion was carried.

MOTION

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

Representatives Locke, Silver, Ebersole and Schoon spoke in favor of passage of the bill. Representatives Locke and Silver again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6091, and the bill passed the House by the following vote: Yeas, 93; nays, 1; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Bennett, Betzoff, Bowman, Braddock, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ellis, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee,

Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representative Brekke - 1.

Excused: Representatives Beck, Kirby, Morris, Padden - 4.

Engrossed Senate Bill No. 6091, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 30, 1990

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6909,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTION AND FIRST READING

ESB 6909 by Senators Newhouse, Anderson, Benitz, Smith, Patterson, Thorsness, Patrick, Nelson, Smitherman, Warnke, Vognild, Talmadge, Matson, Bailey, Bauer, Gaspard, Conner, Barr, Hansen, Sutherland, Murray, Madsen, Fleming, Johnson, von Reichbauer, Hayner, McCaslin, West and Lee

Providing for local criminal justice and other fiscal assistance.

MOTION

On motion of Ms. Brough, the rules were suspended and Engrossed Senate Bill No. 6909 was advanced to second reading and read the second time in full.

Engrossed Senate Bill No. 6909 was passed to Committee on Rules for third reading.

MESSAGE FROM THE SENATE

March 31, 1990

Mr. Speaker:

The Senate has adopted:

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8448,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTION AND FIRST READING

ESCR 8448 by Senator Hayner

Permitting consideration of Engrossed Substitute Senate Bill No. 6412 during special session.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and Engrossed Senate Concurrent Resolution No. 8448 was advanced to second reading and read the second time in full.

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

Engrossed Senate Concurrent Resolution No. 8448 was adopted.

MESSAGE FROM THE SENATE

April 1, 1990

Mr. Speaker:

The Senate has passed:

REENGROSSED SUBSTITUTE SENATE BILL NO. 6412,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTION AND FIRST READING

ReESSB 6412 by Committee on Environment & Natural Resources (originally sponsored by Senators McDonald, Vognild, Bluechel, Nelson, Warnke, Rinehart, Gaspard, Bailey, Lee, Patrick, Bender, McMullen, Talmadge, Murray, Williams, Bauer, DeJarnatt, Stratton, Metcalf, Conner, Madsen and Kreidler; by request of Governor)

Funding the acquisition of land for wildlife conservation and outdoor recreation.

MOTION

On motion of Mr. Ebersole, the rules were suspended and Reengrossed Substitute Senate Bill No. 6412 was advanced to second reading and read the second time in full.

Mr. Hargrove moved adoption of the following amendments by Representatives Hargrove and K. Wilson:

On page 5, line 27, after "(i)" insert "Community support:

(ii)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, line 13, after "project" insert "; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project"

On page 7, line 7, after "(i)" insert "Community support:

(ii)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 7, line 17, after "(i)" insert "Community support:

(ii)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 7, line 27, after "project" insert "; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project"

Representatives Hargrove, Fuhrman and K. Wilson spoke in favor of adoption of the amendments, and Ms. Fraser spoke against them. The amendments were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Locke, Rust, Schoon and K. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute Senate Bill No. 6412 as amended by the House, and the bill passed the House by the following vote: Yeas, 90; nays, 4; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ellis, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Baugher, Fuhrman, Rayburn, Wolfe - 4.

Excused: Representatives Beck, Kirby, Morris, Padden - 4.

Reengrossed Substitute Senate Bill No. 6412 as amended by the House, having received the constitutional majority, was declared passed.

POINT OF PARLIAMENTARY INQUIRY

Mr. May: Mr. Speaker, I wonder if we are doing something illegal. I am concerned about House Rule 14(C), the ten o'clock rule.

MOTION

On motion of Mr. Ebersole, House Rule 14(c) was suspended.

SENATE AMENDMENTS TO HOUSE BILL

April 1, 1990

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 3035 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The sum of two million four hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the state building and construction account to the department of community development for the biennium ending June 30, 1991, for the purpose of providing a grant to Yakima County for construction and expansion of jail facilities. The appropriation is subject to the following conditions and limitations:

(1) Before receiving the grant, the county shall demonstrate an ability to complete the construction and expansion of the jail facility; and

(2) The grant shall not exceed eighty percent of the total project cost as determined by the department."

On page 1, line 2 of the title, after "County;" strike the remainder of the title and insert "and making an appropriation."

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Ms. H. Sommers moved that the House do concur in the Senate amendments to Substitute House Bill No. 3035.

Representatives H. Sommers and Schoon spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 3035 as amended by the Senate.

Mr. Inslee spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3035 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ellis, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Beck, Kirby, Morris, Padden - 4.

Substitute House Bill No. 3035 as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker called on Representative O'Brien to preside.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 90-4780, by Representatives Hine, Prince, Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ellis, Ferguson, G. Fisher, R. Fisher, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, J. King, P. King, R. King, Kirby, Kremen, Leonard, Locke, May, McLean, R. Meyers, Miller, Morris, Moyer, H. Myers,

Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, K. Wilson, S. Wilson, Wineberry, Winsley, Wolfe, Wood, Youngsman and Zellinsky

WHEREAS, The First Special Session of the 1990 Legislature is hurtling to a close; and

WHEREAS, The staff of the House of Representatives has once again labored long and hard to assist us in our legislative tasks; and

WHEREAS, The analysts, counsels, assistants and coordinators of the Office of Program Research perform endless hours of professional research and produce drafts, redrafts and returns-to-the-original draft on a mind-boggling number of "essential, top-priority and have-to-have-today" bills and bill reports; and

WHEREAS, The tour guides elegantly entertain and serve the unending throngs of curious citizens who wish to witness our daily, splendid accomplishments; and

WHEREAS, The billroom staff and workroom staff toil tirelessly into the night - every night - to record for posterity the bills, amendments, reports, resolutions, concurrences, motions, memorials and messages that are the foundation of the legislative process; and

WHEREAS, Our professional partisan staff carry the torches which illuminate our accomplishments to our constituents and to the news-hungry media, and they also provide us with the political intuition and information important to any faithful Democrat or Republican; and

WHEREAS, The session workers have guarded us, fed us, transported us, staffed our committees, cleaned up after us, and, in all ways, helped us to perform our jobs; and

WHEREAS, Our personal Administrative Assistants have once again provided us with that confidant closeness and brought a semblance of sanity to our offices, which are deluged with mail, advice, reports, requests, appointments, invitations, insults, hotline messages and visitors; and

WHEREAS, The faithful assistance of all these people contributes greatly to our ability to fulfill our duties as state legislators;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State House of Representatives, on behalf of the citizens we represent, extend our sincere appreciation to all those employees who work so long and so hard to serve the public effectively; and

BE IT FURTHER RESOLVED, That copies of this Resolution be distributed to staff offices and work areas in appreciation of a job well done.

Ms. Hine moved adoption of the resolution and spoke in favor of it.

On motion of Ms. Hine, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

Representatives Hine, Prince and Forner spoke in favor of the resolution.

House Floor Resolution No. 90-4780 was adopted.

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

STATUTORY AND SELECT COMMITTEE ASSIGNMENTS

The Speaker (Mr. O'Brien presiding) announced the following appointments:

Representative Anderson to replace Representative R. Meyers on the Joint Administrative Rules Committee;

Representatives Dellwo, Ferguson, Wood and Zellinsky to the Joint Select Committee on Municipal Insurance Pools;

Representatives Dorn and McLean to the Juvenile Justice Advisory Committee;

Representatives Hankins and Inslee to the Advisory Council on Economic Diversification;

Representative H. Myers to the Advisory Panel on Sex Offender Research;

Representatives Raiter and Tate to the Port Task Force;

Representatives Rector and Schoon to the Advisory Council on Investment in Human Capital.

The Speaker resumed the Chair.

MOTION

On motion of Ms. Cole, Representative Belcher was excused.

MESSAGE FROM THE SENATE

April 1, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929, and has granted said committee the powers of Free Conference. The Report of the Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

April 1, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929, enacting comprehensive growth planning provisions, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference in order to amend the measure as follows:

Reject the Senate Committee on Governmental Operations amendments adopted as amended on March 2, 1990 (For committee amendments, see Journal, 55th Day, Regular Session, March 3, 1990);

Adopt the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. FINDINGS AND INTENT. The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning. Further, the legislature finds that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth.

PART I

GOALS AND PLANNING

NEW SECTION, Sec. 2. PLANNING GOALS. The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under section 4 of this act. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation

of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

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

(1) 'Adopt a comprehensive land use plan' means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) 'Agricultural land' means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

(3) 'City' means any city or town, including a code city.

(4) 'Comprehensive land use plan,' 'comprehensive plan,' or 'plan' means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) 'Critical areas' include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) 'Department' means the department of community development.

(7) 'Development regulations' means any controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances.

(8) 'Forest land' means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially.

(9) 'Geologically hazardous areas' means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(10) 'Long-term commercial significance' includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(11) 'Minerals' include gravel, sand, and valuable metallic substances.

(12) 'Public facilities' include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) 'Public services' include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(14) 'Urban growth' refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. 'Characterized by urban growth' refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(15) 'Urban growth areas' means those areas designated by a county pursuant to section 11 of this act.

(16) 'Urban governmental services' include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

(17) 'Wetland' or 'wetlands' means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the county or city.

NEW SECTION. Sec. 4. WHO MUST PLAN. (1) Each county that has both a population of fifty thousand or more and has had its population increase by more than ten percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall adopt comprehensive land use plans and development regulations under this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990. Once a county meets either of these criteria, the requirement to conform with sections 4 through 16 of this act remains in effect, even if the county no longer meets one of these criteria.

(2) The county legislative authority of any county that does not meet the requirements of subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall adopt a comprehensive land use plan in accordance with this chapter. Once such a resolution has been adopted, the county cannot remove itself from the requirements of this chapter.

(3) Any county or city that is required to adopt a comprehensive land use plan under subsection (1) of this section shall adopt the plan on or before July 1, 1993. Any county or city that is required to adopt a comprehensive land use plan under subsection (2) of this section shall adopt the plan not later than three years from the date the county legislative body takes action as required by subsection (2) of this section.

(4) If the office of financial management certifies that the population of a county has changed sufficiently to meet the requirements of subsection (1) of this section, and the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall adopt: (a) Development regulations under section 6 of this act within one year of the certification by the office of financial management; (b) a comprehensive land use plan under this chapter within three years of the certification by the office of financial management; and (c) development regulations pursuant to this chapter within one year of having adopted its comprehensive land use plan.

NEW SECTION. Sec. 5. GUIDELINES TO CLASSIFY AGRICULTURE, FOREST, AND MINERAL LANDS AND CRITICAL AREAS. (1) Subject to the definitions provided in section 3 of this act, the department shall adopt guidelines, under chapter 34.05 RCW, no later than September 1, 1990, to guide the classification of: (a) Agricultural lands; (b) forest lands; (c) mineral resource lands; and (d) critical areas. The department shall consult with the department of agriculture regarding guidelines for agricultural lands, the department of natural resources regarding forest lands and mineral resource lands, and the department of ecology regarding critical areas.

(2) In carrying out its duties under this section, the department shall consult with interested parties, including but not limited to: (a) Representatives of cities; (b) representatives of counties; (c) representatives of developers; (d) representatives of builders; (e) representatives of owners of agricultural lands, forest lands, and mining lands; (f) representatives of local economic development officials; (g) representatives of environmental organizations; (h) representatives of special districts; (i) representatives of the governor's office and federal and state agencies; and (j) representatives of Indian tribes. In addition to the consultation required under this subsection, the department shall conduct public hearings in the various regions of the state. The department shall consider the public input obtained at such public hearings when adopting the guidelines.

(3) The guidelines under subsection (1) of this section shall be minimum guidelines that apply to all jurisdictions, but also shall allow for regional differences that exist in Washington state. The intent of these guidelines is to assist counties and cities in designating the classification of agricultural lands, forest lands, mineral resource lands, and critical areas under section 17 of this act.

(4) The guidelines established by the department under this section regarding classification of forest lands shall not be inconsistent with guidelines adopted by the department of natural resources.

NEW SECTION. Sec. 6. NATURAL RESOURCE LANDS AND CRITICAL AREAS—DEVELOPMENT REGULATIONS. (1) Each county that is required or chooses to plan under section 4 of this

act, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under section 17 of this act. Regulations adopted under this section may not prohibit uses permitted prior to their adoption and shall remain in effect until a county adopts development regulations pursuant to section 12 of this act. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals.

Each county that is required or chooses to plan under section 4 of this act, and each city within such county, shall adopt development regulations on or before September 1, 1991, precluding land uses or development that is incompatible with the critical areas that are required to be designated under section 17 of this act.

(2) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under section 4 of this act and implementing development regulations under section 12 of this act and may alter such designations and development regulations to insure consistency.

NEW SECTION. Sec. 7. COMPREHENSIVE PLANS—MANDATORY ELEMENTS. The comprehensive plan of a county or city that is required or chooses to plan under section 4 of this act shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in section 14 of this act.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element recognizing the vitality and character of established residential neighborhoods that: (a) includes an inventory and analysis of existing and projected housing needs; (b) includes a statement of goals, policies, and objectives for the preservation, improvement, and development of housing; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit land uses that are compatible with the rural character of such lands and provide for a variety of rural densities.

(6) A transportation element that implements, and is consistent with, the land use element. The transportation element shall include the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;

(iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(v) Identification of system expansion needs and transportation system management needs to meet current and future demands;

(c) Finance, including:

(i) An analysis of funding capability to judge needs against probable funding resources;

(ii) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;

(iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(e) Demand-management strategies.

After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under section 4 of this act, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) 'concurrent with the development' shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

The transportation element described in this subsection, and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, must be consistent.

NEW SECTION, Sec. 8. OPTIONAL ELEMENTS. (1) A comprehensive plan may include additional elements, items, or studies dealing with other subjects relating to the physical development within its jurisdiction, including, but not limited to:

(a) Conservation;

(b) Solar energy; and

(c) Recreation.

(2) A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.

NEW SECTION, Sec. 9. INNOVATIVE TECHNIQUES. A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments, and the transfer of development rights.

NEW SECTION, Sec. 10. COMPREHENSIVE PLANS—MUST BE COORDINATED. The comprehensive plan of each county or city that is adopted pursuant to section 4 of this act shall be coordinated with, and consistent with, the comprehensive plans adopted pursuant to section 4 of this act of other counties or cities with which the county or city has, in part, common borders or related regional issues.

NEW SECTION, Sec. 11. COMPREHENSIVE PLANS—URBAN GROWTH AREAS. (1) Each county that is required or chooses to adopt a comprehensive land use plan under section 4 of this act shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.

(2) Based upon the population forecast made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. Within one year of the effective date of this section, each county required to designate urban growth areas shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of

the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Further, it is appropriate that urban government services be provided by cities, and urban government services should not be provided in rural areas.

NEW SECTION. Sec. 12. COMPREHENSIVE PLANS—DEVELOPMENT REGULATIONS AND CAPITAL PLANS—IMPLEMENT IN CONFORMITY. Within one year of the adoption of its comprehensive plan, each county and city that is required or chooses to plan under section 4 of this act shall enact development regulations that are consistent with and implement the comprehensive plan. These counties and cities shall perform their activities and make capital budget decisions in conformity with their comprehensive plans.

NEW SECTION. Sec. 13. COMPREHENSIVE PLANS—AMENDMENTS. (1) Each comprehensive land use plan and development regulations shall be subject to continuing evaluation and review by the county or city that adopted them.

Any amendment or revision to a comprehensive land use plan shall conform to this chapter, and any change to development regulations shall be consistent with and implement the comprehensive plan.

(2) Each county and city shall establish procedures whereby proposed amendments or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. All proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists.

(3) Each county that designates urban growth areas under section 11 of this act shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.

NEW SECTION. Sec. 14. COMPREHENSIVE PLANS—ENSURE PUBLIC PARTICIPATION. Each county and city that is required or chooses to plan under section 4 of this act shall establish procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. Errors in exact compliance with the established procedures shall not render the comprehensive land use plan or development regulations invalid if the spirit of the procedures is observed.

NEW SECTION. Sec. 15. Each county and city that is required or chooses to prepare a comprehensive land use plan under section 4 of this act shall identify lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, recreation, schools, and other public uses. The county shall work with the state and the cities within its borders to identify areas of shared need for public facilities. The jurisdictions within the county shall prepare a prioritized list of lands necessary for the identified public uses including an estimated date by which the acquisition will be needed.

The respective capital acquisition budgets for each jurisdiction shall reflect the jointly agreed upon priorities and time schedule.

NEW SECTION. Sec. 16. Each county and city that is required or chooses to prepare a comprehensive land use plan under section 4 of this act shall identify open space corridors within and between urban growth areas. They shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in section 3 of this act.

The city or county may seek to acquire by purchase the fee simple or lesser interests in these open space corridors using funds authorized by RCW 84.34.230 or other sources.

NEW SECTION. Sec. 17. NATURAL RESOURCE LANDS AND CRITICAL AREAS—DESIGNATIONS. (1) On or before September 1, 1991, each county, and each city, shall designate where appropriate:

(a) Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;

(b) Forest lands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;

(c) Mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and

(d) Critical areas.

(2) In making the designations required by this section, counties and cities shall consider the guidelines established pursuant to section 5 of this act.

NEW SECTION. Sec. 18. COMPREHENSIVE PLANS—SPECIAL DISTRICTS MUST CONFORM.

(1) All special districts shall perform their activities which affect land use, including capital budget decisions, in conformity with the state policy goals and the comprehensive land use plan of the county or city having jurisdiction in the area where the activities occur.

(2) Not later than one year after the adoption of a comprehensive plan by a county or city pursuant to section 4 of this act, each special district located within such a county or city, that provides one or more of the public facilities or public services listed in this subsection, shall adopt or amend a capital facilities plan for its facilities that is consistent with the comprehensive plan and indicates the existing and projected capital facilities that are necessary to serve the projected growth for the area that is served by the special district. These public facilities or public services are: (a) Sanitary sewers; (b) potable water facilities; (c) park and recreation facilities; (d) fire suppression; (e) libraries; (f) schools; and (g) transportation, including mass transit.

(3) This section shall not apply to port districts or municipal airports.

NEW SECTION. Sec. 19. REPORT ON PLANNING PROGRESS. (1) It is the intent of the legislature that counties and cities required to adopt a comprehensive plan under section 4(1) of this act begin implementing this chapter on or before July 1, 1990, including but not limited to: (a) Inventorying, designating, and conserving agricultural, forest, and mineral resource lands, and critical areas; and (b) considering the modification or adoption of comprehensive land use plans and development regulations implementing the comprehensive land use plans. It is also the intent of the legislature that funds be made available to counties and cities beginning July 1, 1990, to assist them in meeting the requirements of this chapter.

(2) Each county and city that adopts a plan under section 4 (1) or (2) of this act shall report to the department annually for a period of five years, beginning on January 1, 1991, and each five years thereafter, on the progress made by that county or city in implementing this chapter.

NEW SECTION. Sec. 20. TECHNICAL ASSISTANCE, GRANTS, AND MEDIATION SERVICES. (1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under section 4 of this act. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, and other relevant factors.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide planning grants to enhance citizen participation under section 14 of this act.

NEW SECTION. Sec. 21. A new section is added to chapter 43.63A RCW to read as follows:

INVENTORYING AND COLLECTING DATA. (1) The department shall assist in the process of inventorying and collecting data on public and private land for the acquisition of data describing land uses, demographics, infrastructure, critical areas, transportation corridors physical features, housing, and other information useful in managing growth throughout the state. For this purpose the department shall contract with the department of information services and shall form an advisory group consisting of representatives from state, local, and federal agencies, colleges and universities, and private firms with expertise in land planning, and geographic information systems.

(2) The department shall establish a sequence for acquiring data, giving priority to rapidly growing areas. The data shall be retained in a manner to facilitate its use in preparing maps, aggregating with data from multiple jurisdictions, and comparing changes over time. Data shall further be retained in a manner which permits its access via computer.

(3) By December 1, 1990, the department shall report to the appropriate committees of the house of representatives and senate on the availability of existing data; specific data which is needed but not currently available; data compatibility across jurisdictions; the suitability of various types of data for retention on computer; the cost of collecting, storing, updating, mapping, and manipulating data on a computer; and recommendations on how to maintain an inventory of data which is accessible to any user and whether to maintain the data at a central repository or decentralized repositories.

(4) The department shall work with other state agencies, local governments, and private organizations that are inventorying public and private lands to ensure close coordination and to ensure that duplication of efforts does not occur.

NEW SECTION. Sec. 22. A new section is added to chapter 35.63 RCW to read as follows:

Beginning July 1, 1992, the development regulations of each city and county that does not plan under section 4 of this act shall not be inconsistent with the city's or county's comprehensive plan. For the purposes of this section, 'development regulations' has the same meaning as set forth in section 3 of this act.

NEW SECTION. Sec. 23. A new section is added to chapter 35A.63 RCW to read as follows:

Beginning July 1, 1992, the development regulations of each code city that does not plan under section 4 of this act shall not be inconsistent with the city's comprehensive plan. For the purposes of this section, 'development regulations' has the same meaning as set forth in section 3 of this act.

NEW SECTION. Sec. 24. A new section is added to chapter 36.70 RCW to read as follows:

Beginning July 1, 1992, the development regulations of each county that does not plan under section 4 of this act shall not be inconsistent with the county's comprehensive plan. For the purposes of this section, 'development regulations' has the same meaning as set forth in section 3 of this act.

NEW SECTION. Sec. 25. A new section is added to chapter 35.22 RCW to read as follows:

CONTRACTS WITH DEVELOPERS AUTHORIZED. Notwithstanding RCW 35.22.620, a first class city may contract with a developer for the construction or improvement of public facilities directly related to the developer's project.

NEW SECTION. Sec. 26. A new section is added to chapter 35.23 RCW to read as follows:

CONTRACTS WITH DEVELOPERS AUTHORIZED. Notwithstanding RCW 35.23.352, a second class city, third class city, or town may contract with a developer for the construction or improvement of public facilities directly related to the developer's project.

Sec. 27. Section 3, chapter 89, Laws of 1979 ex. sess. as amended by section 8, chapter 11, Laws of 1989 and RCW 35A.40.210 are each amended to read as follows:

Procedures for any public work or improvement contracts or purchases for code cities shall be governed by the following statutes, as indicated:

(1) For code cities of twenty thousand population or over, RCW 35.22.620; and

(2) For code cities under twenty thousand population; RCW 35.23.352.

However, a code city may contract with a developer for the construction or improvement of public facilities directly related to the developer's project.

NEW SECTION. Sec. 28. A new section is added to chapter 36.32 RCW to read as follows:

CONTRACTS WITH DEVELOPERS AUTHORIZED. Notwithstanding RCW 36.32.250, a county may contract with a developer for the construction or improvement of public facilities directly related to the developer's project.

NEW SECTION. Sec. 29. A new section is added to chapter 36.77 RCW to read as follows:

CONTRACTS WITH DEVELOPERS AUTHORIZED. Notwithstanding RCW 36.77.020 and 36.77.040, a county may contract with a developer for the construction or improvement of county roads directly related to the developer's project.

NEW SECTION. Sec. 30. A new section is added to chapter 35.13 RCW to read as follows:

COMPREHENSIVE PLANS—ANNEXATIONS BEYOND URBAN GROWTH AREAS PROHIBITED. No city or town located in a county in which urban growth areas have been designated under section 11 of this act may annex territory beyond an urban growth area.

NEW SECTION. Sec. 31. A new section is added to chapter 35A.14 RCW to read as follows:

COMPREHENSIVE PLANS—ANNEXATIONS BEYOND URBAN GROWTH AREAS PROHIBITED. No code city located in a county in which urban growth areas have been designated under section 11 of this act may annex territory beyond an urban growth area.

NEW SECTION. Sec. 32. A new section is added to chapter 43.62 RCW to read as follows:

DETERMINING POPULATION. The office of financial management shall determine the population of each county of the state annually as of April 1st of each year and on or before July 1st of each year shall file a certificate with the secretary of state showing its determination of the population for each county. The office of financial management also shall determine the percentage increase in population for each county over the preceding ten-year period, as of

April 1st, and shall file a certificate with the secretary of state by July 1st showing its determination. At least once every ten years the office of financial management shall prepare a twenty-year population forecast required by section 11 of this act for each county that adopts a comprehensive plan under section 4 of this act.

Sec. 33. Section 4, chapter 72, Laws of 1967 and RCW 36.94.040 are each amended to read to read as follows:

The sewerage and/or water general plan must incorporate the provisions of existing comprehensive plans relating to sewerage and water systems of cities, towns, municipalities, and private utilities, to the extent they have been implemented.

~~((In any county in which a metropolitan municipal corporation is authorized to perform the sewerage disposal or water supply function, any sewerage and/or water general plan shall be approved by the metropolitan municipal corporation prior to adoption by the county.))~~

Sec. 34. Section 11, chapter 210, Laws of 1941 as last amended by section 1, chapter 213, Laws of 1982 and RCW 56.08.020 are each amended to read as follows:

The sewer commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring indebtedness shall adopt a general comprehensive plan for a system of sewers for the district. They shall investigate all portions and sections of the district and select a general comprehensive plan for a system of sewers for the district suitable and adequate for present and reasonably foreseeable future needs thereof. The general comprehensive plan shall provide for treatment plants and other methods for the disposal of sewage and industrial and other liquid wastes now produced or which may reasonably be expected to be produced within the district and shall, for such portions of the district as may then reasonably be served, provide for the acquisition or construction and installation of laterals, trunk sewers, intercepting sewers, syphons, pumping stations, or other sewage collection facilities. The general comprehensive plan shall provide the method of distributing the cost and expense of the sewer system provided therein against the district and against utility local improvement districts within the district, including any utility local improvement district lying wholly or partially within any other political subdivision included in the district; and provide whether the whole or some part of the cost and expenses shall be paid from sewer revenue bonds. The commissioners may employ such engineering and legal services as they deem necessary in carrying out the purposes hereof.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt. However, this sixty-day time limitation may be extended by the director of health or engineer for up to an additional sixty days if sufficient time is not available to review adequately the general comprehensive plans.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the sewer district lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of these county legislative authorities pursuant to the criteria in RCW 56.02.060 for approving the formation, reorganization, annexation, consolidation, or merger of sewer districts, and the resolution, ordinance, or motion of the legislative body which rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. ~~The ((legislative body may not impose requirements restricting the maximum size of the sewer system facilities provided for in the)) general comprehensive plan((-PROVIDED, That)) shall not provide for the extension or location of facilities that are inconsistent with the requirements of section 11 of this act. Nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 56.02.060. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of the plan's submission to the county legislative authority((-PROVIDED, That)). However, a county legislative authority may extend this ninety-day time limitation by up to an additional ninety days where a finding is made that ninety days is insufficient to review adequately the general comprehensive plan. In addition, the sewer commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section.~~

If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the ~~((legislative authority))~~ governing body of such cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town ~~((legislative authority))~~ governing body if the city or town ~~((legislative authority))~~ governing body fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or

within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority. However, a city or town governing body may extend this time limitation by up to an additional ninety days where a finding is made that insufficient time exists to adequately review the general comprehensive plan within these time limitations. In addition, the sewer commissioners and the city or town governing body may mutually agree to an extension of the deadlines in this section.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition, affects a particular city or town, shall the amendment, alteration, or addition be subject to approval by such particular city or town (~~legislative authority~~) governing body.

Sec. 35. Section 6, chapter 18, Laws of 1959 as last amended by section 10, chapter 389, Laws of 1989 and RCW 57.16.010 are each amended to read as follows:

The water district commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring any indebtedness shall adopt a general comprehensive plan of water supply for the district. They shall investigate the several portions and sections of the district for the purpose of determining the present and reasonably foreseeable future needs thereof; shall examine and investigate, determine and select a water supply or water supplies for such district suitable and adequate for present and reasonably foreseeable future needs thereof; and shall consider and determine a general system or plan for acquiring such water supply or water supplies; and the lands, waters and water rights and easements necessary therefor, and for retaining and storing any such waters, erecting dams, reservoirs, aqueducts and pipe lines to convey the same throughout such district. There may be included as part of the system the installation of fire hydrants at suitable places throughout the district, and the purchase and maintenance of necessary fire fighting equipment and apparatus, together with facilities for housing same. The water district commissioners shall determine a general comprehensive plan for distributing such water throughout such portion of the district as may then reasonably be served by means of subsidiary aqueducts and pipe lines, and the method of distributing the cost and expense thereof against such water district and against local improvement districts or utility local improvement districts within such water district for any lawful purpose, and including any such local improvement district or utility local improvement district lying wholly or partially within the limits of any city or town in such district, and shall determine whether the whole or part of the cost and expenses shall be paid from water revenue bonds. After July 23, 1989, when the district adopts a general comprehensive plan or plans for an area annexed as provided for in RCW 57.16.010, the district shall include a long-term plan for financing the planned projects. The commissioners may employ such engineering and legal service as in their discretion is necessary in carrying out their duties.

The general comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the legislative authority of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health. The general comprehensive plan shall be approved, conditionally approved, or rejected by the director of health within sixty days of the plan's receipt and by the designated engineer within sixty days of the plan's receipt. However, this sixty-day time limitation may be extended by the director of health or engineer for up to an additional sixty days if sufficient time is not available to review adequately the general comprehensive plans.

Before becoming effective, the general comprehensive plan shall also be submitted to, and approved by resolution of, the legislative authority of every county within whose boundaries all or a portion of the water district lies. The general comprehensive plan shall be approved, conditionally approved, or rejected by each of these county legislative authorities pursuant to the criteria in RCW 57.02.040 for approving the formation, reorganization, annexation, consolidation, or merger of water districts, and the resolution, ordinance, or motion of the legislative body which rejects the comprehensive plan or a part thereof shall specifically state in what particular the comprehensive plan or part thereof rejected fails to meet these criteria. The (~~legislative body may not impose requirements restricting the maximum size of the water supply facilities provided for in the~~) general comprehensive plan (~~(-PROVIDED, That)~~) shall not provide for the extension or location of facilities that are inconsistent with the requirements of section 11 of this act. Nothing in this chapter shall preclude a county from rejecting a proposed plan because it is in conflict with the criteria in RCW 57.02.040. Each general comprehensive plan shall be deemed approved if the county legislative authority fails to reject or conditionally approve the plan within ninety days of the plan's submission to the county legislative authority or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority (~~(-PROVIDED, That)~~). However, a county legislative authority may extend this ninety-day time limitation by up to an additional ninety days where a finding is made that ninety days is insufficient to review adequately the general comprehensive plan. In addition, the water commissioners and the county legislative authority may mutually agree to an extension of the deadlines in this section.

If the district includes portions or all of one or more cities or towns, the general comprehensive plan shall be submitted also to, and approved by resolution of, the ~~((legislative authority))~~ governing bodies of such cities and towns before becoming effective. The general comprehensive plan shall be deemed approved by the city or town ~~((legislative authority))~~ governing body if the city or town ~~((legislative authority))~~ governing body fails to reject or conditionally approve the plan within ninety days of the plan's submission to the city or town or within thirty days of a hearing on the plan when the hearing is held within ninety days of submission to the county legislative authority. However, a city or town governing body may extend this time limitation by up to an additional ninety days where a finding is made that insufficient time exists to adequately review the general comprehensive plan within these time limitations. In addition, the sewer commissioners and the city or town governing body may mutually agree to an extension of the deadlines in this section.

Before becoming effective, any amendment to, alteration of, or addition to, a general comprehensive plan shall also be subject to such approval as if it were a new general comprehensive plan: PROVIDED, That only if the amendment, alteration, or addition affects a particular city or town, shall the amendment, alteration or addition be subject to approval by such particular city or town ~~((legislative authority))~~ governing body.

Sec. 36. Section 11, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.010 are each amended to read as follows:

(1) ~~((Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess.))~~ The governing body of any county or any city may impose an excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. The revenues from this tax shall be used by the respective jurisdictions for local capital improvements, including those listed in RCW 35.43.040.

After the effective date of this section, revenues generated from the tax imposed under this subsection in counties and cities that are required or choose to plan under section 4 of this act shall be used primarily for financing capital projects specified in a capital facilities plan element of a comprehensive plan and housing relocation assistance under sections 50 and 51 of this act. However, revenues (a) pledged by such counties and cities to debt retirement prior to the effective date of this section may continue to be used for that purpose until all outstanding debt is retired, or (b) committed prior to the effective date of this section by such counties or cities to a capital project may continue to be used for that purpose until the project is completed.

(2) ~~((Subject to the enactment into law of the 1982 amendment to RCW 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess.))~~ In lieu of imposing the tax authorized in RCW 82.14.030(2), the governing body of any county or any city may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-half of one percent of the selling price.

(3) Taxes imposed under this section shall be collected from persons who are taxable by the state under chapter 82.45 RCW upon the occurrence of any taxable event within the unincorporated areas of the county or within the corporate limits of the city, as the case may be.

(4) Taxes imposed under this section shall comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

(5) As used in this section, 'city' means any city or town.

Sec. 37. Section 13, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.030 are each amended to read as follows:

(1) The county treasurer shall place one percent of the proceeds of the taxes imposed under RCW 82.46.010 in the county current expense fund to defray costs of collection.

(2) The remaining proceeds from the county tax under RCW 82.46.010(1) shall be placed in a county capital improvements fund. The remaining proceeds from city or town taxes under RCW 82.46.010(1) shall be distributed to the respective cities and towns monthly and placed by the city treasurer in a municipal capital improvements fund. ~~((These capital improvements funds shall be used by the respective jurisdictions for local improvements, including those listed in RCW 35.43.040.))~~

(3) This section does not limit the existing authority of any city, town, or county to impose special assessments on property specially benefited thereby in the manner prescribed by law.

NEW SECTION. Sec. 38. A new section is added to chapter 82.46 RCW to read as follows:

(1) The governing body of any county or any city that plans under section 4(1) of this act may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. Any county choosing to plan under section 4(2) of this act and any city within such a county may only adopt an ordinance imposing the excise tax authorized by this section if the ordinance is first authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition

at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters.

(2) Revenues generated from the tax imposed under subsection (1) of this section shall be used by such counties and cities solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan.

(3) Revenues generated by the tax imposed by this section shall be deposited in a separate account.

(4) As used in this section, 'city' means any city or town.

NEW SECTION. Sec. 39. A new section is added to chapter 82.46 RCW to read as follows:

The tax authorized by section 38 of this act may be imposed only if either Engrossed Senate Bill No. 6904, Substitute Senate Bill No. 6639, or House Bill No. 3036 becomes law and grants counties and cities the authority to impose an additional excise tax on the sale of real property.

Sec. 40. Section 14, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.040 are each amended to read as follows:

Any tax imposed under (~~RCW 82.46.040~~) this chapter and any interest or penalties thereon is a specific lien upon each piece of real property sold from the time of sale until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages.

Sec. 41. Section 15, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.050 are each amended to read as follows:

The taxes levied under (~~RCW 82.46.040~~) this chapter are the obligation of the seller and may be enforced through an action of debt against the seller or in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other.

Sec. 42. Section 16, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.46.060 are each amended to read as follows:

Any taxes imposed under (~~RCW 82.46.040~~) this chapter shall be paid to and collected by the treasurer of the county within which is located the real property which was sold. The treasurer shall act as agent for any city within the county imposing the tax. The county treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales. A receipt issued by the county treasurer for the payment of the tax imposed under (~~RCW 82.46.040~~) this chapter shall be evidence of the satisfaction of the lien imposed in RCW 82.46.040 and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the county auditor for filing or recording until the tax is paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the treasurer.

Sec. 43. Section 82.02.020, chapter 15, Laws of 1961 as last amended by section 6, chapter 179, Laws of 1988 and RCW 82.02.020 are each amended to read as follows:

Except only as expressly provided in RCW 67.28.180 and 67.28.190 and the provisions of chapter 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in sections 44 through 49 of this act, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements (~~pursuant to RCW 58.17.110~~) within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges: PROVIDED, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged: PROVIDED FURTHER, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under sections 50 and 51 of this act.

This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 56, 57, or 87 RCW, nor is the authority conferred by these titles affected.

NEW SECTION, Sec. 44. A new section is added to chapter 82.02 RCW to read as follows:

(1) It is the intent of the legislature:

(a) To ensure that adequate facilities are available to serve new growth and development:

(b) To promote orderly growth and development by establishing standards by which counties, cities, and towns may require, by ordinance, that new growth and development pay a proportionate share of the cost of new facilities needed to serve new growth and development; and

(c) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact.

(2) Counties, cities, and towns that are required or choose to plan under section 4 of this act are authorized to impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

(3) The impact fees:

(a) Shall only be imposed for system improvements that are reasonably related to the new development;

(b) Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and

(c) Shall be used for system improvements that will reasonably benefit the new development.

(4) Impact fees may be collected and spent only for the public facilities defined in section 49 of this act which are addressed by a capital facilities plan element of a comprehensive land use plan adopted pursuant to the provisions of section 7 of this act or the provisions for comprehensive plan adoption contained in chapter 36.70, 35.63, or 35A.63 RCW. After July 1, 1993, continued authorization to collect and expend impact fees shall be contingent on the county, city, or town adopting or revising a comprehensive plan in compliance with section 7 of this act, and on the capital facilities plan identifying:

(a) Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;

(b) Additional demands placed on existing public facilities by new development; and

(c) Additional public facility improvements required to serve new development.

If the capital facilities plan of the county, city, or town is complete other than for the inclusion of those elements which are the responsibility of a special district, the county, city, or town may impose impact fees to address those capital facility needs for which the county, city, or town is responsible.

NEW SECTION, Sec. 45. A new section is added to chapter 82.02 RCW to read as follows:

The local ordinance by which impact fees are imposed:

(1) Shall include a schedule of impact fees which shall be adopted for each type of development activity that is subject to impact fees, specifying the amount of the impact fee to be imposed for each type of system improvement. The schedule shall be based upon a formula

or other method of calculating such impact fees. In determining proportionate share, the formula or other method of calculating impact fees shall incorporate, among other things, the following:

- (a) The cost of public facilities necessitated by new development;
 - (b) An adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement;
 - (c) The availability of other means of funding public facility improvements;
 - (d) The cost of existing public facilities improvements; and
 - (e) The methods by which public facilities improvements were financed;
- (2) May provide an exemption for low-income housing, and other development activities with broad public purposes, from these impact fees, provided that the impact fees for such development activity shall be paid from public funds other than impact fee accounts;
- (3) Shall provide a credit for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the capital facilities plan and that are required by the county, city, or town as a condition of approving the development activity;
- (4) Shall allow the county, city, or town imposing the impact fees to adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly;
- (5) Shall include a provision for calculating the amount of the fee to be imposed on a particular development that permits consideration of studies and data submitted by the developer to adjust the amount of the fee;
- (6) Shall establish one or more reasonable service areas within which it shall calculate and impose impact fees for various land use categories per unit of development;
- (7) May provide for the imposition of an impact fee for system improvement costs previously incurred by a county, city, or town to the extent that new growth and development will be served by the previously constructed improvements provided such fee shall not be imposed to make up for any system improvement deficiencies.

NEW SECTION. Sec. 46. A new section is added to chapter 82.02 RCW to read as follows:

(1) Payment of an impact fee in regard to the system improvement for which the impact fee is paid shall constitute full and complete compliance with the county, city, or town requirements for the provision of the particular public facility. No other payment may be required for the same system improvement by any county, city, or town by any other means.

(2) The county, city, or town may determine that a system improvement needs to be constructed prior to final completion of the development activity and may condition the development approval accordingly. Pursuant to an agreement with the county, city, or town, the developer may elect to construct the needed system improvement, provided the developer receives a credit for the costs of the construction that exceed the impact fee which otherwise would have applied.

(3) In the event that a developer enters into an agreement with a county, city, or town to construct, fund, or contribute system improvements such that the amount of the credit created by such construction, funding, or contribution is in excess of the impact fees which would otherwise have been paid for the development project, the developer shall be reimbursed for such excess construction, funding, or contribution from impact fees paid by other development located in the service area which is benefited by such improvements.

(4) Fees shall be collected upon the issuance of a building permit unless the fee is to be used for a system improvement to be undertaken within one year of the development approval, in which case the fee may be collected upon final development approval.

(5) Notwithstanding any other provision of sections 44 through 49 of this act, that portion of a project for which a valid building permit has been issued prior to the effective date of a county, city, or town impact fee ordinance, adopted pursuant to sections 44 through 49 of this act, shall not be subject to impact fees under such ordinance so long as the building permit remains valid and construction is commenced and is pursued according to the terms of the permit.

(6) Prior to adopting an ordinance imposing impact fees, each county, city, or town shall establish an advisory committee composed of not less than six persons, plus a nonvoting chairperson selected by the advisory committee, to advise the governing body on possible features to be included in an impact fees ordinance and to periodically review the ordinance. Half of the members of the advisory committee shall represent the development industry, the building industry, and realtors, while the other half shall represent the environmental community and community groups.

(7) If impact fees are imposed to finance system improvements to be undertaken by a different local government or taxing district than the one collecting the fee, the collecting entity shall enter into an interlocal agreement with that local government or taxing district that will make the service improvements to ensure compliance with the requirements established for impact fees.

NEW SECTION. Sec. 47. A new section is added to chapter 82.02 RCW to read as follows:

(1) Impact fee receipts shall be earmarked specifically and retained in special interest-bearing accounts. Separate accounts shall be established for each type of public facility for which impact fees are collected. All interest shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed. Annually, each county, city, or town imposing impact fees shall provide a report on each impact fee account showing the source and amount of all moneys collected, earned, or received and system improvements that were financed in whole or in part by impact fees.

(2) Impact fees for system improvements shall be expended only in conformance with the capital facilities plan element of the comprehensive plan.

(3) Impact fees shall be expended or encumbered for a permissible use within six years of receipt, unless there exists an extraordinary and compelling reason for fees to be held longer than six years. Such extraordinary or compelling reasons shall be identified in written findings by the governing body of the county, city, or town.

(4) Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.

(5) Each county, city, or town that imposes impact fees shall provide for an administrative appeals process for the appeal of an impact fee; the process may follow the appeal process for the underlying development approval or the county, city, or town may establish a separate appeals process. The impact fee may be modified upon a determination that it is proper to do so based on principles of fairness. The county, city, or town may provide for the resolution of disputes regarding impact fees by arbitration.

NEW SECTION. Sec. 48. A new section is added to chapter 82.02 RCW to read as follows:

(1) The current owner of property on which an impact fee has been paid may receive a refund of such fees if the county, city, or town fails to expend or encumber the impact fees within six years of when the fees were paid or other such period of time established pursuant to section 47(3) of this act on public facilities intended to benefit the development activity for which the impact fees were paid. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. The county, city, or town shall notify potential claimants by first class mail deposited with the United States postal service at the last known address of claimants.

The request for a refund must be submitted to the county, city, or town governing body in writing within one year of the date the right to claim the refund arises or the date that notice is given, whichever is later. Any impact fees that are not expended within these time limitations, and for which no application for a refund has been made within this one-year period, shall be retained and expended on the indicated capital facilities. Refunds of impact fees under this subsection shall include interest earned on the impact fees.

(2) When a county, city, or town seeks to terminate any or all impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the county, city, or town shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to the last known address of claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the local government, but must be expended for the indicated public facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

(3) A developer may request and shall receive a refund, including interest earned on the impact fees, when the developer does not proceed with the development activity and no impact has resulted.

NEW SECTION. Sec. 49. A new section is added to chapter 82.02 RCW to read as follows:

Unless the context clearly requires otherwise, the following definitions shall apply in sections 44 through 49 of this act:

(1) 'Development activity' means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities.

(2) 'Development approval' means any written authorization from a county, city, or town which authorizes the commencement of development activity.

(3) 'Impact fee' means a payment of money imposed upon development as a condition of development approval to pay for public facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for public facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. 'Impact fee' does not include a reasonable permit or application fee.

(4) 'Owner' means the owner of record of real property, although when real property is being purchased under a real estate contract, the purchaser shall be considered the owner of the real property if the contract is recorded.

(5) 'Proportionate share' means that portion of the cost of public facility improvements that are reasonably related to the service demands and needs of new development.

(6) 'Project improvements' mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the governing body of the county, city, or town shall be considered a project improvement.

(7) 'Public facilities' means the following capital facilities owned or operated by government entities: (a) Public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities in jurisdictions that are not part of a fire district.

(8) 'Service area' means a geographic area defined by a county, city, town, or intergovernmental agreement in which a defined set of public facilities provide service to development within the area. Service areas shall be designated on the basis of sound planning or engineering principles.

(9) 'System improvements' mean public facilities that are included in the capital facilities plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

NEW SECTION. Sec. 50. A new section is added to chapter 59.18 RCW to read as follows:

(1) Any city, town, county, or municipal corporation that is required to develop a comprehensive plan under section 4(1) of this act is authorized to require, after reasonable notice to the public and a public hearing, property owners to provide their portion of reasonable relocation assistance to low-income tenants upon the demolition, substantial rehabilitation whether due to code enforcement or any other reason, or change of use of residential property, or upon the removal of use restrictions in an assisted-housing development. No city, town, county, or municipal corporation may require property owners to provide relocation assistance to low-income tenants, as defined in this chapter, upon the demolition, substantial rehabilitation, upon the change of use of residential property, or upon the removal of use restrictions in an assisted-housing development, except as expressly authorized herein or when authorized or required by state or federal law. As used in this section, 'assisted housing development' means a multi-family rental housing development that either receives government assistance and is defined as federally assisted housing in RCW 59.28.020, or that receives other federal, state, or local government assistance and is subject to use restrictions.

(2) As used in this section, 'low-income tenants' means tenants whose combined total income per dwelling unit is at or below fifty percent of the median income, adjusted for family size, in the county where the tenants reside.

The department of community development shall adopt rules defining county median income in accordance with the definitions promulgated by the federal department of housing and urban development.

(3) A requirement that property owners provide relocation assistance shall include the amounts of such assistance to be provided to low-income tenants. In determining such amounts, the jurisdiction imposing the requirement shall evaluate, and receive public testimony on, what relocation expenses displaced tenants would reasonably incur in that jurisdiction including:

- (a) Actual physical moving costs and expenses;
- (b) Advance payments required for moving into a new residence such as the cost of first and last month's rent and security and damage deposits;
- (c) Utility connection fees and deposits; and
- (d) Anticipated additional rent and utility costs in the residence for one year after relocation.

(4)(a) Relocation assistance provided to low-income tenants under this section shall not exceed two thousand dollars for each dwelling unit displaced by actions of the property owner under subsection (1) of this section. A city, town, county, or municipal corporation may make future annual adjustments to the maximum amount of relocation assistance required under this subsection in order to reflect any changes in the housing component of the consumer price index as published by the United States department of labor, bureau of labor statistics.

(b) The property owner's portion of any relocation assistance provided to low-income tenants under this section shall not exceed one-half of the required relocation assistance under (a) of this subsection in cash or services.

(c) The portion of relocation assistance not covered by the property owner under (b) of this subsection shall be paid by the city, town, county, or municipal corporation authorized to require relocation assistance under subsection (1) of this section. The relocation assistance may be paid from proceeds collected from the excise tax imposed under section 36 of this act.

(5) A city, town, county, or municipal corporation requiring the provision of relocation assistance under this section shall adopt policies, procedures, or regulations to implement such requirement. Such policies, procedures, or regulations shall include provisions for administrative hearings to resolve disputes between tenants and property owners relating to relocation

assistance or unlawful detainer actions during relocation, and shall require a decision within thirty days of a request for a hearing by either a tenant or property owner.

Judicial review of an administrative hearing decision relating to relocation assistance may be had by filing a petition, within ten days of the decision, in the superior court in the county where the residential property is located. Judicial review shall be confined to the record of the administrative hearing and the court may reverse the decision only if the administrative findings, inferences, conclusions, or decision is:

- (a) In violation of constitutional provisions;
- (b) In excess of the authority or jurisdiction of the administrative hearing officer;
- (c) Made upon unlawful procedure or otherwise is contrary to law; or
- (d) Arbitrary and capricious.

(6) Any city, town, county, or municipal corporation may require relocation assistance, under the terms of this section, for otherwise eligible tenants whose living arrangements are exempted from the provisions of this chapter under RCW 59.18.040(3) and if the living arrangement is considered to be a rental or lease pursuant to RCW 67.28.180(1).

(7)(a) Persons who move from a dwelling unit prior to the application by the owner of the dwelling unit for any governmental permit necessary for the demolition, substantial rehabilitation, or change of use of residential property or prior to any notification or filing required for condominium conversion shall not be entitled to the assistance authorized by this section.

(b) Persons who move into a dwelling unit after the application for any necessary governmental permit or after any required condominium conversion notification or filing shall not be entitled to the assistance authorized by this section if such persons receive written notice from the property owner prior to taking possession of the dwelling unit that specifically describes the activity or condition that may result in their temporary or permanent displacement and advises them of their ineligibility for relocation assistance.

NEW SECTION, Sec. 51. A new section is added to chapter 59.18 RCW to read as follows:

Relocation assistance payments received by tenants under section 50 of this act shall not be considered as income or otherwise affect the eligibility for or amount of assistance paid under any government benefit program.

PART II SUBDIVISIONS

Sec. 52. Section 6, chapter 271, Laws of 1969 ex. sess. as last amended by section 2, chapter 330, Laws of 1989 and RCW 58.17.060 are each amended to read as follows:

(1) 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 alteration or vacation thereof. When an alteration or vacation involves a public dedication, the alteration or vacation shall be processed as provided in RCW 58.17.212 or 58.17.215. Such regulations shall be adopted by ordinance and shall provide that a short plat and short subdivision may be approved only if written findings that are appropriate, as provided in RCW 58.17.110, are made by the administrative personnel, and may contain wholly different requirements than those governing the approval of preliminary and final plats of subdivisions and may require surveys and monumentations and shall require filing of a short plat, or alteration or vacation thereof, for record in the office of the county auditor: PROVIDED, That such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries: PROVIDED FURTHER, That such regulations are not required to contain a penalty clause as provided in RCW 36.32.120 and may provide for wholly injunctive relief.

An ordinance requiring a survey shall require that the survey be completed and filed with the application for approval of the short subdivision.

(2) Cities, towns, and counties shall include in their short plat regulations and procedures pursuant to subsection (1) of this section provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.

Sec. 53. Section 11, chapter 271, Laws of 1969 ex. sess. as last amended by section 3, chapter 330, Laws of 1989 and RCW 58.17.110 are each amended to read as follows:

(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine: (a) if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, (~~sites for~~) schools and schoolgrounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school (~~and determine~~); and (b) whether the public interest will be served by the subdivision and dedication. (~~if it finds that the proposed plat makes~~)

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for

the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, (~~sites for~~) schools and schoolgrounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school(~~-and that~~); and (b) the public use and interest will be served by the platting of such subdivision(~~;- then it shall be approved~~) and dedication. If it finds that the proposed (~~plat does not~~) subdivision and dedication make such appropriate provisions (~~or~~) and that the public use and interest will (~~not~~) be served, then the legislative body (~~may disapprove~~) shall approve the proposed (~~plat~~) subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under sections 44 through 49 of this act may be required as a condition of subdivision approval (~~and~~). Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under sections 44 through 49 of this act shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any (~~plat~~) subdivision require a release from damages to be procured from other property owners.

PART III

REGIONAL TRANSPORTATION PLANS

NEW SECTION. Sec. 54. INTENT—TRANSPORTATION PLANNING. The legislature finds that while the transportation system in Washington is owned and operated by numerous public jurisdictions, it should function as one interconnected and coordinated system. Transportation planning, at all jurisdictional levels, should be coordinated with local comprehensive plans. Further, local jurisdictions and the state should cooperate to achieve both state-wide and local transportation goals. To facilitate this coordination and cooperation among state and local jurisdictions, the legislature declares it to be in the state's interest to establish a coordinated planning program for regional transportation systems and facilities throughout the state.

NEW SECTION. Sec. 55. REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS AUTHORIZED. The legislature hereby authorizes creation of regional transportation planning organizations within the state. Each regional transportation planning organization shall be formed through the voluntary association of local governments within a county, or within geographically contiguous counties. Each organization shall:

- (1) Encompass at least one complete county;
- (2) Have a population of at least one hundred thousand, or contain a minimum of three counties; and
- (3) Have as members all counties within the region, and at least sixty percent of the cities and towns within the region representing a minimum of seventy-five percent of the cities' and towns' population.

The state department of transportation must verify that each regional transportation planning organization conforms with the requirements of this section.

In urbanized areas, the regional transportation planning organization is the same as the metropolitan planning organization designated for federal transportation planning purposes.

NEW SECTION. Sec. 56. REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS—DUTIES. (1) Each regional transportation planning organization shall:

- (a) Certify that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region conform with the requirements of section 7 of this act, and are consistent with regional transportation plans as provided for in (b) of this subsection;
 - (b) Develop and adopt a regional transportation plan that is consistent with county, city, and town comprehensive plans and state transportation plans. Regional transportation planning organizations are encouraged to use county, city, and town comprehensive plans that existed prior to the effective date of this section as the basis of its regional transportation plan whenever possible. Such plans shall address existing or planned transportation facilities and services that exhibit one or more of the following characteristics:
 - (i) Physically crosses member county lines;
 - (ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;
 - (iii) Significant impacts are expected to be felt in more than one county;
 - (iv) Potentially adverse impacts of the facility, service, or project can be better avoided or mitigated through adherence to regional policies;
 - (v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance;
 - (c) Designate a lead planning agency to coordinate preparation of the regional transportation plan. The lead planning agency may be a regional council, a county, city, or town agency, or a Washington state department of transportation district;
 - (d) Review the regional transportation plan biennially for currency; and
 - (e) Forward the adopted plan, and documentation of the biennial review of it, to the state department of transportation.
- (2) All transportation projects within the region that have an impact upon regional facilities or services must be consistent with the plan.

(3) In order to ensure state-wide consistency in the regional transportation planning process, the state department of transportation shall:

(a) In cooperation with regional transportation planning organizations, establish minimum standards for development of a regional transportation plan;

(b) Facilitate coordination between regional transportation planning organizations; and

(c) Through the regional transportation planning process, and through state planning efforts as required by RCW 47.01.071, identify and jointly plan improvements and strategies within those corridors important to moving people and goods on a regional or state-wide basis.

NEW SECTION. Sec. 57. TRANSPORTATION POLICY BOARDS. Each regional transportation planning organization shall create a transportation policy board. Transportation policy boards shall provide policy advice to the regional transportation planning organization and shall allow representatives of major employers within the region, the department of transportation, transit districts, port districts, and member cities, towns, and counties within the region to participate in policy making.

NEW SECTION. Sec. 58. ALLOCATION OF REGIONAL TRANSPORTATION PLANNING FUNDS. Biennial appropriations to the department of transportation to carry out the regional transportation planning program shall set forth the amounts to be allocated as follows:

(1) A base amount per county for each county within each regional transportation planning organization, to be distributed to the lead planning agency;

(2) An amount to be distributed to each lead planning agency on a per capita basis; and

(3) An amount to be administered by the department of transportation as a discretionary grant program for special regional planning projects, including grants to allow counties which have significant transportation interests in common with an adjoining region to also participate in that region's planning efforts.

Sec. 59. Section 20, chapter 49, Laws of 1983 1st ex. sess. as amended by section 8, chapter 167, Laws of 1988 and RCW 36.81.121 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. (1) Before July 1st of each year, the legislative authority of each county with the advice and assistance of the county road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six calendar years. If the county has adopted a comprehensive plan pursuant to chapter 35.63 or 36.70 RCW, the inherent authority of a charter county derived from its charter, or chapter 36.-- RCW (sections 1 through 20 of this act), the program shall be consistent with this comprehensive plan.

The program shall include proposed road and bridge construction work, and for those counties operating ferries shall also include a separate section showing proposed capital expenditures for ferries, docks, and related facilities. Copies of the program shall be filed with the county road administration board and with the state secretary of transportation not more than thirty days after its adoption by the legislative authority. The purpose of this section is to assure that each county shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated road construction program. The program may at any time be revised by a majority of the legislative authority but only after a public hearing thereon.

(2) The six-year program of each county having an urban area within its boundaries shall contain a separate section setting forth the six-year program for arterial road construction based upon its long-range construction plan and formulated in accordance with regulations of the transportation improvement board. The six-year program for arterial road construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative authority of each county. The six-year program for arterial road construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority of each county may request for urban arterials from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial road construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial roads than for minor and collector arterial roads, pursuant to regulations of the transportation improvement board.

(3) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and equestrian purposes.

Sec. 60. Section 35.77.010, chapter 7, Laws of 1965 as last amended by section 6, chapter 167, Laws of 1988 and RCW 35.77.010 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. (1) The legislative body of each city and town, pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six calendar years ~~((and shall file))~~. If the city or town has adopted a comprehensive plan pursuant to chapter 35.63 or 35A.63 RCW, the inherent authority of a first class city derived from its charter, or chapter 36.-- RCW (sections 1 through 20 of this act), the program shall be consistent with this comprehensive plan.

The program shall be filed with the secretary of transportation not more than thirty days after its adoption. Annually thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program before July 1st of each year, and each one-year extension and revision shall be filed with the secretary of transportation not more than thirty days after its adoption. The purpose of this section is to assure that each city and town shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated street construction program. The program may at any time be revised by a majority of the legislative body of a city or town, but only after a public hearing.

The six-year program of each city lying within an urban area shall contain a separate section setting forth the six-year program for arterial street construction based upon its long range construction plan and formulated in accordance with rules of the transportation improvement board. The six-year program for arterial street construction shall be submitted to the transportation improvement board forthwith after its annual revision and adoption by the legislative body of the city. The six-year program for arterial street construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority may request for urban arterials from the urban arterial trust account or the transportation improvement account for the six-year period. The arterial street construction program shall provide for a more rapid rate of completion of the long-range construction needs of principal arterial streets than for minor and collector arterial streets, pursuant to rules of the transportation improvement board: PROVIDED, That urban arterial trust funds made available to the group of incorporated cities lying outside the boundaries of federally approved urban areas within each region need not be divided between functional classes of arterials but shall be available for any designated arterial street.

(2) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a city or town will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycle, pedestrian, and equestrian purposes.

Sec. 61. Section 1, chapter 396, Laws of 1989 and RCW 35.58.2795 are each amended to read as follows:

TRANSPORTATION PLANS MUST CONFORM TO COMPREHENSIVE PLAN. By April 1st of each year, the legislative authority of each municipality, as defined in RCW 35.58.272, shall prepare a six-year transit development and financial program for that calendar year and the ensuing five years. The program shall be consistent with the comprehensive plans adopted by counties, cities, and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the inherent authority of a first class city or charter county derived from its charter, or chapter 36.-- RCW (sections 1 through 20 of this act). The program shall contain information as to how the municipality intends to meet state and local long-range priorities for public transportation, capital improvements, significant operating changes planned for the system, and how the municipality intends to fund program needs. Each municipality shall file the six-year program with the state department of transportation, the transportation improvement board, and cities, counties, and regional planning councils within which the municipality is located.

In developing its program, the municipality shall consider those policy recommendations affecting public transportation contained in the state transportation policy plan approved by the state transportation commission and, where appropriate, adopted by the legislature. The municipality shall conduct one or more public hearings while developing its program and for each annual update.

PART IV FOREST PRACTICES AND WATER

Sec. 62. Section 5, chapter 137, Laws of 1974 ex. sess. as last amended by section 47, chapter 36, Laws of 1988 and RCW 76.09.050 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource that may be conducted without submitting an application or a notification;

Class II: Forest practices which have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. Class II shall not include forest practices:

- (a) On lands platted after January 1, 1960, or being converted to another use;
- (b) Which require approvals under the provisions of the hydraulics act, RCW 75.20.100;
- (c) Within 'shorelines of the state' as defined in RCW 90.58.030; or
- (d) Excluded from Class II by the board;

Class III: Forest practices other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application:

Class IV: Forest practices other than those contained in Class I or II: (a) On lands platted after January 1, 1960, (b) on lands being converted to another use, (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, and/or (d) which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. Such evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the state environmental policy act.

(2) No Class II, Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended: PROVIDED, That any person commencing a forest practice during 1974 may continue such forest practice until April 1, 1975, if such person has submitted an application to the department prior to January 1, 1975: PROVIDED, FURTHER, That in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) If a notification or application is delivered in person to the department by the operator or his agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Forest practices shall be conducted in accordance with the forest practices regulations, orders and directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) The department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days: PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section. Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology, wildlife, and fisheries, and to the county (~~in which~~), city, or town in whose jurisdiction the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

(6) If the county, city, or town believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

(7) The department shall not approve portions of applications to which a county, city, or town objects if:

(a) The department receives written notice from the county, city, or town of such objections within fourteen business days from the time of transmittal of the application to the county, city, or town, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to lands either:

(i) Platted after January 1, 1960; or

(ii) Being converted to another use.

The department shall either disapprove those portions of such application or appeal the county, city, or town objections to the appeals board. If the objections related to subparagraphs (b) (i) and (ii) of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county, city, or town consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county, city, or town objections. Unless the county, city, or town either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county, city, or town objections has expired.

(8) In addition to any rights under the above paragraph, the county, city, or town may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(9) Appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.220(8). In such appeals there shall be no presumption of correctness of either the county, city, or town or the department position.

(10) The department shall, within four business days notify the county, city, or town of all notifications, approvals, and disapprovals of an application affecting lands within the county, city, or town, except to the extent the county, city, or town has waived its right to such notice.

(11) A county, city, or town may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

Sec. 63. Section 6, chapter 137, Laws of 1974 ex. sess. as amended by section 3, chapter 200, Laws of 1975 1st ex. sess. and RCW 76.09.060 are each amended to read as follows:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices regulations shall specify by whom and under what conditions the notification and application shall be signed. The application or notification shall be delivered in person or sent by certified mail to the department. The information required may include, but shall not be limited to:

(a) Name and address of the forest land owner, timber owner, and operator;

(b) Description of the proposed forest practice or practices to be conducted;

(c) Legal description of the land on which the forest practices are to be conducted;

(d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and major tractor roads;

(e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

(f) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices regulations;

(g) Soil, geological, and hydrological data with respect to forest practices;

(h) The expected dates of commencement and completion of all forest practices specified in the application;

(i) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources; and

(j) An affirmation that the statements contained in the notification or application are true.

(2) At the option of the applicant, the application or notification may be submitted to cover a single forest practice or any number of forest practices within reasonable geographic or political boundaries as specified by the department. Long range plans may be submitted to the department for review and consultation.

(3) The application shall indicate whether any land covered by the application will be converted or is intended to be converted to a use other than commercial timber production within three years after completion of the forest practices described in it.

(a) If the application states that any such land will be or is intended to be so converted:

(i) The reforestation requirements of this chapter and of the forest practices regulations shall not apply if the land is in fact so converted unless applicable alternatives or limitations are provided in forest practices regulations issued under RCW 76.09.070 as now or hereafter amended;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.28, 84.33, and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city, town, and regional governmental authority permitted under RCW 76.09.240 as now or hereafter amended as well as the forest practices regulations.

(b) If the application does not state that any land covered by the application will be or is intended to be so converted:

(i) For six years after the date of the application the county ((or)), city, town, and regional governmental entities may deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of land subject to the application;

(ii) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal from classification under the provisions of RCW 84.28.065, a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes; and

(iii) Conversion to a use other than commercial timber operations within three years after completion of the forest practices without the consent of the county ((or municipality)), city, or town shall constitute a violation of each of the county, municipal city, town, and regional authorities to which the forest practice operations would have been subject if the application had so stated.

(c) The application shall be either signed by the land owner or accompanied by a statement signed by the land owner indicating his or her intent with respect to conversion and acknowledging that he or she is familiar with the effects of this subsection.

(4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department two days before the commencement of actual operations.

(5) Before the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, there shall be submitted to the department a new application or notification form in the manner set forth in this section.

(6) The notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of one year from the date of approval or notification and shall not be renewed unless a new application is filed and approved or a new notification has been filed.

(7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice.

NEW SECTION. Sec. 64. A new section is added to chapter 19.27 RCW to read as follows:

Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. An application for a water right shall not be sufficient proof of an adequate water supply.

Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology may adopt rules to implement this section.

PART V

ENCOURAGING ECONOMIC GROWTH STATE-WIDE

NEW SECTION. Sec. 65. INTENT. The legislature finds that the Puget Sound region is experiencing economic prosperity and the challenges associated with rapid growth; much of the rest of the state is not experiencing economic prosperity, and faces challenges associated with slow economic growth. It is the intent of the legislature to encourage economic prosperity and balanced economic growth throughout the state.

In order to accomplish this goal, growth must be managed more effectively in the Puget Sound region, and rural areas must build local capacity to accommodate additional economic activity in their communities. Where possible, rural economies and low-income areas should be linked with prosperous urban economies to share economic growth for the benefit of all areas and the state.

To accomplish this goal it is the intent of the legislature to: (1) Assure equitable opportunities to secure prosperity for distressed areas, rural communities, and disadvantaged populations by promoting urban-rural economic links, and by promoting value-added product development, business networks, and increased exports from rural areas; (2) improve the economic development service delivery system to be better able to serve these areas, communities, and populations; (3) redirect the priorities of the state's economic development programs to focus economic development efforts into areas and sectors of the greatest need; (4) build local capacity so that communities are better able to plan for growth and achieve self-reliance; (5) administer grant programs to promote new feasibility studies and project development on projects of interest to rural areas or areas outside of the Puget Sound region; and (6) develop a coordinated economic investment strategy involving state economic development

programs, businesses, educational and vocational training institutions, local governments and local economic development organizations, ports, and others.

Sec. 66. Section 1, chapter 20, Laws of 1983 1st ex. sess. as amended by section 1, chapter 231, Laws of 1985 and RCW 43.210.010 are each amended to read as follows:

EXPORT ASSISTANCE CENTER—ENCOURAGE URBAN-RURAL LINKS. The legislature finds:

(1) The exporting of goods and services from Washington to international markets is an important economic stimulus to the growth, development, and stability of the state's businesses in both urban and rural areas, and that these economic activities create needed jobs for Washingtonians.

(2) Impediments to the entry of many small and medium-sized businesses into export markets have restricted growth in exports from the state.

(3) Particularly significant impediments for many small and medium-sized businesses are the lack of easily accessible information about export opportunities and financing alternatives.

(4) There is a need for a small business export finance assistance center which will specialize in providing export assistance to small and medium-sized businesses throughout the state in acquiring information about export opportunities and financial alternatives for exporting.

Sec. 67. Section 2, chapter 20, Laws of 1983 1st ex. sess. as amended by section 2, chapter 231, Laws of 1985 and RCW 43.210.020 are each amended to read as follows:

EXPORT ASSISTANCE CENTER—ENCOURAGE URBAN-RURAL LINKS. A nonprofit corporation, to be known as the small business export finance assistance center, and branches subject to its authority, may be formed under chapter 24.03 RCW for the following public purposes:

(1) To assist small and medium-sized businesses in both urban and rural areas in the financing of export transactions.

(2) To provide, singly or in conjunction with other organizations, information and assistance to these businesses about export opportunities and financing alternatives.

(3) To provide information to and assist those businesses interested in exporting products, including the opportunities available to them in organizing export trading companies under the United States export trading company act of 1982, for the purpose of increasing their comparative sales volume and ability to export their products to foreign markets.

NEW SECTION. Sec. 68. A new section is added to chapter 43.63A RCW to read as follows:

BUILDING LOCAL CAPACITY. (1) The department shall administer a grant program which makes grants to local nonprofit organizations for rural economic development or for sharing economic growth outside the Puget Sound region. The grants shall be used to: (a) Develop urban-rural links; (b) build local capacity for economic growth; or (c) improve the export of products or services from rural areas to locations outside the United States.

(2) The department shall consult with, and if necessary form an advisory committee including, a diverse group of private sector representatives including, but not limited to, major corporations, commercial financial institutions, venture capitalists, small businesses, natural resource businesses, and developers to determine what opportunities for new investment and business growth might be available for areas outside high-growth counties. The department shall also consult with the department of trade and economic development. The department shall seek to maximize and link new investment opportunities to grant projects under this section.

(3) The department may enact rules to carry out this section.

Sec. 69. Section 1, chapter 466, Laws of 1985 and RCW 43.31.005 are each amended to read as follows:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT—ENCOURAGE GROWTH STATE-WIDE. The legislature of the state of Washington finds that economic development is an essential public purpose which requires the active involvement of state government. The state's primary economic strategy is to encourage the retention and expansion of existing businesses, to attract new businesses and industries, ~~((and))~~ to foster the formation of new businesses, and to economically link rural communities with urban areas. In order to aid the citizens of Washington to obtain desirable employment and achieve adequate incomes, it is necessary for the state to encourage balanced growth and economic prosperity and to promote a more diversified and healthy economy throughout the state.

The legislature finds that the state needs to improve its level of employment, business activity, and revenue growth. In order to increase job opportunities and revenues, a broader and more stable economic base is needed. The state shall take primary responsibility to encourage the balanced growth of the economy consistent with the preservation of Washington's quality of life and environment. A healthy economy can be achieved through partnership efforts with the private sector to facilitate increased investment in Washington. It is the policy of the state of Washington to encourage and promote an economic development program that provides sufficient employment opportunities for our current resident work force and those individuals who will enter the state's work force in the future.

The legislature finds that the state of Washington has the potential to become a major world trade gateway. In order for Washington to fulfill its potential and compete successfully with other states and provinces, it must articulate a consistent, long-term trade policy. It is the

responsibility of the state to monitor and ensure that such traditional functions of state government as transportation, infrastructure, education, taxation, regulation and public expenditures contribute to the international trade focus the state of Washington must develop.

Sec. 70. Section 4, chapter 466, Laws of 1985 and RCW 43.31.035 are each amended to read as follows:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT—ENCOURAGE GROWTH STATE-WIDE. The department shall pursue a coordinated approach for the state's economic development policies and programs to achieve a more diversified and healthy economy. The department shall support and work cooperatively with other state agencies, public and private organizations, and units of local government, as well as the federal government, to strengthen and coordinate economic development programs ((tm)) throughout the state. The department's activities shall include, but not be limited to:

(1) Providing economic development advisory assistance to the governor, other state agencies, and the legislature on economic-related issues, and other matters affecting the economic well-being of the state and all its citizens.

(2) Providing staff and support to cabinet level interagency economic development coordinating activities.

(3) Representing and monitoring the state's interests with the federal government in its formulation of policies and programs in economic development.

(4) Assisting in the development and implementation of a long-term economic strategy for the state that encourages a balance in economic growth between urban and rural areas and that stimulates economic development in areas not experiencing problems associated with rapid growth, and assisting the continual update of information and strategies contained in the long-term economic program for the state.

Sec. 71. Section 5, chapter 125, Laws of 1984 as amended by section 137, chapter 266, Laws of 1986 and RCW 43.63A.065 are each amended to read as follows:

DEPARTMENT OF COMMUNITY DEVELOPMENT—PRIORITIZE BASED ON NEED. The department shall have the following functions and responsibilities:

(1) Cooperate with and provide technical and financial assistance to the local governments and to the local agencies serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give priority to local communities with the greatest relative need and the fewest resources.

(2) Administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

(3) Administer community services programs through private, nonprofit organizations and units of general purpose local government; these programs are directed to the poor and infirm and include community-based efforts to foster self-sufficiency and self-reliance, energy assistance programs, head start, and weatherization.

(4) Study issues affecting the structure, operation, and financing of local government as well as those state activities which involve relations with local government and report the results and recommendations to the governor, legislature, local government, and citizens of the state.

(5) Assist the governor in coordinating the activities of state agencies which have an impact on local governments and communities.

(6) Provide technical assistance to the governor and the legislature on community development policies for the state.

(7) Assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for low and moderate income persons, and qualify as a participating state agency for all programs of the Department of Housing and Urban Development or its successor.

(8) Support and coordinate local efforts to promote volunteer activities throughout the state.

(9) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions.

(10) Hold public hearings and meetings to carry out the purposes of this chapter.

(11) Provide a comprehensive state-level focus for state fire protection services, funding, and policy.

(12) Administer a program to identify, evaluate, and protect properties which reflect outstanding elements of the state's cultural heritage.

(13) Coordinate a comprehensive state program for mitigating, preparing for, responding to, and recovering from emergencies and disasters.

NEW SECTION. Sec. 72. A new section is added to chapter 43.31 RCW to read as follows:

ASSOCIATE DEVELOPMENT ORGANIZATION NETWORK FORMALIZED. (1) There is established in the department the local economic development service program. This program shall coordinate the delivery of economic development services to local communities or regional areas. It shall encourage a partnership between the public and private sectors and between

state and local officials to encourage appropriate economic growth in communities throughout the state.

(2) The department's local economic development service program shall promote local economic development by assisting businesses to start-up, maintain, or expand their operations, by encouraging public infrastructure investment and private capital investment in local communities, and by expanding employment opportunities.

(3) The department's local economic development service program shall, among other things, (a) contract with local economic development nonprofit corporations, called 'associate development organizations,' for the delivery of economic development services to local communities or regional areas; (b) enter into interagency agreements with appropriate state agencies, such as the department of community development, the department of agriculture, and the employment security department, to coordinate the delivery of economic development services to local communities or regional areas; (c) enter into agreements with other public organizations or institutions that provide economic development services, such as the small business development center, the Washington technology center, community colleges, vocational-technical institutes, the University of Washington, Washington State University, four-year colleges and universities, the federal small business administration, ports, and others, to coordinate the delivery of economic development services to local communities and regional areas; and (d) provide training, through contracts with public or private organizations, and other assistance to associate development organizations to the extent resources allow.

(4) It is the intent of the legislature that the associate development organizations shall promote and coordinate, through local service agreements or other methods, the delivery of economic development services in their areas that are provided by public and private organizations, including state agencies.

(5) The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to more effectively build the local capacity of communities in the region.

NEW SECTION, Sec. 73. THE SERVICE DELIVERY TASK FORCE. The service delivery task force is established. The purpose of the task force is to review the current system for delivering economic development services in Washington and to make recommendations for improving the effectiveness of state economic development services, especially in rural areas.

(1) The task force shall consider existing studies and reports in its analysis, and shall seek input from the key persons or organizations delivering and receiving state economic development services. These key organizations include: (a) The University of Washington and Washington State University, (b) ports, (c) community colleges, (d) vocational-technical institutes, (e) the small business administration, (f) the Washington technology center, (g) nonprofit community action organizations, (h) local businesses and chambers of commerce.

(2) The recommendations shall consider, but not be limited to, the following: (a) What should be the structure for delivering state economic development services to enhance local capacity? and (b) How can state programs be better coordinated to avoid duplication and fragmentation of services?

(3) The task force shall consist of: (a) Four legislators, one from each major caucus in the house of representatives appointed by the speaker of the house and one from each major caucus in the senate appointed by the president of the senate; (b) one citizen member involved in economic development appointed by the governor; (c) the director, or the director's designee, of each of the following departments: (i) The department of trade and economic development, (ii) the department of community development, (iii) the department of agriculture, and (iv) the employment security department; (d) two representatives of local governments appointed by the governor in consultation with the association of Washington cities and the Washington state association of counties, with one from east of the Cascades; (e) two representatives of associate development organizations, appointed by the chair of the associate development organization state council, with one representative from east of the Cascades; (f) two representatives of small businesses appointed by the governor, with one representative from east of the Cascades; and (g) one representative each from the Northwest policy center at the University of Washington and the public policy institute at The Evergreen State College appointed by their directors.

(4) Staff services for the task force shall be jointly provided by the department of trade and economic development and the department of community development.

(5) The governor shall appoint the chair of the task force.

(6) Task force members may be reimbursed as provided by RCW 43.03.050 and 43.03.060.

(7) The task force may create subcommittees and may invite nonmembers of the task force to participate in the subcommittees.

(8) The task force shall report on its findings and make its recommendations to the house of representatives trade and economic development committee, the senate economic development and labor committee, and the governor by November 1, 1990, and shall expire on January 31, 1991.

Sec. 74. Section 6, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 62, chapter 431, Laws of 1989 and RCW 43.160.060 are each amended to read as follows:

COMMUNITY ECONOMIC REVITALIZATION BOARD—CONSIDER BENEFITS TO RURAL COMMUNITIES. The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, as well as the acquisition, construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

- (1) The board shall not make a grant or loan:
 - (a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.
 - (b) For any project that ~~((probably)) evidence exists~~ would result in a development or expansion that would displace existing jobs in any other community in the state.
 - (c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.
- (2) The board shall only make grants or loans:
 - (a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; ~~((or)) (iv) which support the relocation of businesses from nondistressed urban areas to distressed rural areas; or (v) which substantially support the trading of goods or services outside of the state's borders.~~
 - (b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.
 - (c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the grant or loan is made.
- (3) The board shall prioritize each proposed project according to the relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located. As long as there is more demand for loans or grants than there are funds available for loans or grants, the board is instructed to fund projects in order of their priority.
- (4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any loan or grant application is approved, the political subdivision seeking the loan or grant must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 75. Section 5, chapter 164, Laws of 1985 as last amended by section 9, chapter 430, Laws of 1989 and RCW 43.168.050 are each amended to read as follows:

- DEVELOPMENT LOAN FUND COMMITTEE—CONSIDER BENEFITS TO RURAL COMMUNITIES.
- (1) The committee may only approve an application providing a loan for a project which the committee finds:
 - (a) Will result in the creation of employment opportunities or the maintenance of threatened employment;
 - (b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;
 - (c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, and the employment of disadvantaged workers, will primarily accrue to residents of the area;
 - (d) Will probably be successful;
 - (e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.
 - (2) The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.
 - (3) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(4) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(5) (a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(6) The committee shall fix the terms and rates pertaining to its loans.

(7) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the 'greatest amount of employment or benefit' the committee shall also consider the employment which would be saved by its loan and the benefit relative to the community, not just the total number of new jobs or jobs saved.

(8) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(9) The committee shall not approve any application to finance or help finance a shopping mall.

(10) The committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. The committee shall not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

(11) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

NEW SECTION, Sec. 76. A new section is added to chapter 43.31 RCW to read as follows:

INDUSTRIAL COMPETITIVENESS PROGRAM. The business assistance center within the department of trade and economic development shall create an industrial competitiveness program to encourage value-added manufacturing in Washington state. The program shall (1) assist in the creation of self-supporting industry associations that develop cooperative programs for enhancing the competitiveness of their members; (2) provide industry modernization services in targeted sectors; and (3) conduct an industrial census for use in sectoral assistance. The department shall contract with educational institutions, private consultants, or nonprofit organizations to facilitate the program's efforts.

The department shall report to the legislature by January 1, 1991, on the work of the program and make recommendations to the legislature on strategies and delivery systems for improving the competitiveness of new and mature manufacturing sectors in the state.

NEW SECTION, Sec. 77. EVALUATION OF RESEARCH AND DEVELOPMENT PROGRAMS. (1) The department of trade and economic development shall contract for an evaluation of publicly supported programs in the state that conduct research and development, provide technology transfer and commercialization services, and provide industrial extension services. The evaluation shall focus on the economic development and educational links to such programs.

(2) The department shall contract with a national expert on public sector involvement and shall consult with local advisers and public service organizations in science and technology and the utilization of applied research to support economic development.

(3) The evaluation shall analyze, among other things:

(a) The current public and private sector science and technology efforts in Washington state;

(b) The current public and private sector technology development, transfer, and commercialization efforts in Washington state;

(c) The current university-industry and private-public sector relationships in science and technology in Washington state;

(d) The current industrial extension activities of state educational institutions;

(e) The extent to which the efforts in (a), (b), (c), and (d) of this subsection are organized and coordinated on a state-wide basis;

(f) The current public sector efforts to transfer or protect new technology, including (i) the office of technology transfer at the University of Washington, (ii) the Washington research foundation, and (iii) the Washington State University research foundation; and

(g) The Washington technology center, created under RCW 28B.20.285, by conducting a comprehensive program strategy evaluation assessing the accomplishments and activities of the center regarding its perceived goals and objectives. The program strategy evaluation shall consider, but not be limited to:

- (i) The science and technology areas focused on by the center in relation to the strengths and opportunities in the region and the state;
- (ii) The economic impact of the Washington technology center to date;
- (iii) Access to the Washington technology center throughout the state and by small and medium-sized businesses;
- (iv) The commercialization of the Washington technology center's new technology;
- (v) Whether the research is basic or applied and academically driven or industry-driven; and
- (vi) The quality of the research.

(4) The evaluation required under this section shall include recommendations to the governor and the legislature. The recommendations shall be based on the reviews conducted under subsection (3) of this section and shall consider the efforts of other states in science and technology. The recommendations shall include, but not be limited to, the following:

(a) What structures the state should consider to most effectively identify and manage its science and technology interests;

(b) How the state can better coordinate public and private efforts in science and technology, particularly technology development, commercialization, and industrial extension;

(c) How the state can encourage and facilitate a greater number of entrepreneurs and small and medium-sized businesses having input and access to the Washington technology center, as well as access to commercially promising research being done at the state's universities and colleges;

(d) How the state can better assist in the formation of new business and the expansion of existing business to develop commercially promising technology into products and processes that result in more jobs and capital in the state;

(e) How public funds invested in science and technology can be effectively accounted for and evaluated; and

(f) Should the Washington technology center's structure or goals be changed based on the evaluation under subsection (3)(g) of this section.

(5) The department shall submit the evaluation and recommendations to the legislature and the governor by December 1, 1990.

NEW SECTION. Sec. 78. A new section is added to chapter 43.17 RCW to read as follows:

EXPEDITIOUS EXERCISE OF POWER TO ISSUE PERMITS, LICENSES, CERTIFICATIONS, CONTRACTS, AND GRANTS—COOPERATION. Where power is vested in a department to issue permits, licenses, certifications, contracts, grants, or otherwise authorize action on the part of individuals, businesses, local governments, or public or private organizations, such power shall be exercised in an expeditious manner. All departments with such power shall cooperate with officials of the business assistance center of the department of trade and economic development, and any other state officials, when such officials request timely action on the part of the issuing department.

NEW SECTION. Sec. 79. A new section is added to chapter 43.31 RCW to read as follows:

ASSISTANCE IN OBTAINING PERMITS, LICENSES, CERTIFICATIONS, AND GRANTS—RECOMMENDATIONS. (1) The business assistance center is authorized to assist individuals, businesses, local governments, and public or private organizations in obtaining permits, licenses, certifications, contracts, and grants that relate to economic development in the state and are required by law to be issued by state agencies.

(2) The business assistance center shall make recommendations to the governor and the legislature by January 1, 1991, regarding improvements in the processing of permits, licenses, certifications, contracts, and grants by state agencies. Such recommendations shall include recommendations on a process for resolving disputes that may arise when state agencies are requested to issue a permit, license, certification, contract, or grant.

NEW SECTION. Sec. 80. A new section is added to chapter 43.31 RCW to read as follows:

BID INFORMATION. The business assistance center of the department of trade and economic development shall make available on its electronic bulletin board a listing of all open bids issued by state agencies. The business assistance center shall develop and implement a marketing plan for this service to businesses and associate development organizations in the state.

The information made available on each bid shall include:

- (1) A summary of the goods or services being requested;
- (2) The start or delivery date specified in the bid request;
- (3) The name, address, and telephone number of an individual from whom a business can obtain a complete bid package and further information; and
- (4) When the bid is due.

The bid information may also be made available on a subscription basis through the mail. The business assistance center may charge a fee for bid information provided either electronically or through the mail to offset its costs. Associate development organizations shall receive bid information free of charge.

NEW SECTION. Sec. 81. A new section is added to chapter 43.19 RCW to read as follows:

BID INFORMATION—NOTIFICATION. 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 shall, when soliciting bids, notify the business assistance center of the department of trade and economic development in a format prescribed by the business assistance center and where possible by direct input to the electronic bulletin board, or if not possible by direct input, by either providing the information on a compatible data disk or if a compatible data disk is not reasonably possible, in writing, of the bid solicitation so that the information may be made available on the center's electronic bulletin board. The notification to the business assistance center shall include:

- (1) A summary of the goods or services being requested;
- (2) The start or delivery date specified in the bid request;
- (3) The name, address, and telephone number of an individual from whom a business can obtain a complete bid package and further information; and
- (4) When the bid is due.

The requirement of this section shall not apply to telephone requests for quotes authorized by the Washington state information services board created under chapter 43.105 RCW.

NEW SECTION. Sec. 82. A new section is added to chapter 82.32 RCW to read as follows:

BID INFORMATION—NOTICE TO BUSINESSES. The department of revenue shall send out a notice on the availability of bid information provided by the business assistance center under section 80 of this act twice during fiscal year 1991 and once yearly thereafter to all businesses paying taxes in this state.

Sec. 83. Section 12, chapter 446, Laws of 1985 as last amended by section 6, chapter 133, Laws of 1990 and RCW 43.155.070 are each amended to read as follows:

PUBLIC WORKS ASSISTANCE FUND—CONSIDER BENEFITS TO COMMUNITY. (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;
- (f) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system: **((and))**

(g) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

- (h) Other criteria that the board considers advisable.
- (3) 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.

(4) 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 description of the emergency loans made under RCW 43.155.065 during the preceding fiscal year and 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.

(5) 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.

(6) Subsections (4) and (5) of this section do not apply to loans made for emergency public works projects under RCW 43.155.065.

Sec. 84. Section 7, chapter 125, Laws of 1984 as amended by section 33, chapter 505, Laws of 1987 and RCW 43.63A.078 are each amended to read as follows:

TECHNICAL ASSISTANCE GRANTS. (1) The department shall develop and administer a local development matching fund program. To be eligible to receive funds under this program, an organization must be a local government or a nonprofit local development entity. Any local government or entity requesting funds must demonstrate the participation of a cross-section of the local community in the economic development project, including business, labor, education and training, and the public sector. Under this program, the department shall provide matching funds which shall be used for the formulation of local economic development strategies, including the technical analysis necessary to designate and carry out the strategies. A technical analysis can include, but is not limited to, the development and dissemination of data on local markets, demographics, comparative business costs, site availability, labor force characteristics, and local incentives. Funds are to be used primarily to foster new developments and expansions which result in the trading of goods and services outside of the state's borders. Funds may be made available for assisting local businesses in utilizing state and federal programs in exporting, training, and financing. Funds may also be used to provide technical assistance to businesses in the areas of land use, transportation, site location, and manpower training. Matching funds cannot be used for entertainment, capital expenses, hosting, or marketing. Funds granted for economic development projects must be matched by local resources on a dollar-for-dollar basis. Not more than fifty thousand dollars of state matching funds as provided by this section may be used for any one project.

(2) The department shall set aside, within its general fund appropriation, a sum of two hundred thousand dollars per biennium for technical assistance grants to assist community-based organizations in their efforts contributing to the redevelopment and economic well-being of low-income areas.

A maximum of forty percent of the funds set aside for technical assistance purposes provided in this subsection may be made available for technical assistance in organizational and board development to those organizations demonstrating a reasonable probability that such assistance will help them undertake a development project. A minimum of sixty percent of the funds set aside for technical assistance purposes shall be used for projects which meet the following standards:

(a) Community-based organizations have or will have a minimum ten percent ownership of the development project;

(b) The project is within a low-income area;

(c) The project has provided reasonable assurance that it will conform to all applicable environmental, zoning, and building laws;

(d) The benefits of the project, including the addition or retention of employment and of capital in the low-income area, shall primarily accrue to the residents of the area;

(e) There is a reasonable expectation that the project will be successful, and that the eligible organization and project participants are responsible parties;

(f) Alternative sources, including other agencies or institutions of the state or federal government, have been sought and are either insufficient or unavailable to meet the needs of the project;

(g) The technical assistance to be provided is essential to the success of the project;

(h) Provision has been made for the active participation in the project of residents of the low-income area; and

(i) Provisions have been made for reporting by the eligible organization concerning the manner in which the technical assistance is used on the project and the extent to which it achieves its intended results.

The amount required to be set aside under this section for the biennium ending June 30, 1991, shall be reduced or eliminated if a specific appropriation for the full amount required under this subsection is not made to the department by June 30, 1990.

Grant recipients under this subsection may be community-based organizations or state-wide organizations which provide technical assistance to community-based organizations.

(3) For purposes of subsection (2) of this section, 'community-based organization' means:

(a) A nonprofit corporation organized under state law that:

(i) Is organized to operate within a specific substate area;

(ii) Has experience operating programs which directly benefit low-income citizens;

(iii) Has low-income people or representatives of organizations serving the low income on its board of directors.

(b) Any Native American tribal governing body.

NEW SECTION, Sec. 85. A new section is added to chapter 43.63A RCW to read as follows:

LOW-INCOME SELF EMPLOYMENT. The department of community development shall implement a self-employment loan program. The program shall provide grants to local development organizations to use solely in revolving loan funds to finance the small businesses of low-income persons. Grants are to be distributed through a competitive application process to be administered by the department in consultation with an advisory committee. Any organization receiving a grant must: (1) Demonstrate the need for a low-income, self-employment project in its community; (2) demonstrate the capacity of the organization to administer the project; and (3) describe the loan procedure and the self-employment training and support programs into which the loan fund will be incorporated. No grant shall be greater than sixty thousand dollars. An organization may provide loans from the grant award of no greater than five thousand dollars. No more than ten percent of any appropriation to the department for the program may be used by the department for administrative costs.

NEW SECTION, Sec. 86. If funding for the purposes of section 68, 73, 76, or 85 of this act is not provided by June 30, 1990, in Substitute Senate Bill No. 6407, the supplemental appropriations act, referencing this act by bill number, then each of the sections whose purpose is not funded shall be null and void.

PART VI MISCELLANEOUS

NEW SECTION, Sec. 87. ROLE OF GROWTH STRATEGIES COMMISSION. The growth strategies commission created by executive order shall:

(1) Analyze different methods for assuring that county and city comprehensive plans adopted under chapter 36.-- RCW (sections 1 through 20 of this act) are consistent with the planning goals under section 2 of this act and with other requirements of chapter 36.-- RCW (sections 1 through 20 of this act);

(2) Recommend to the legislature and the governor by October 1, 1990, a specific structure or process that, among other things:

(a) Ensures county and city comprehensive plans adopted under chapter 36.-- RCW (sections 1 through 20 of this act) are coordinated and comply with planning goals and other requirements under chapter 36.-- RCW (sections 1 through 20 of this act);

(b) Requires state agencies to comply with this chapter and to consider and be consistent with county and city comprehensive plans in actions by state agencies, including the location, financing, and expansion of transportation systems and other public facilities;

(c) Defines the state role in growth management;

(d) Addresses lands and resources of state-wide significance, including to:

(i) Protect these lands and resources of state-wide significance by developing standards for their preservation and protection and suggesting the appropriate structure to monitor and enforce the preservation of these lands and resources; and

(ii) Consider the environmental, economic, and social values of the lands and resources with state-wide significance;

(e) Identifies potential state funds that may be withheld and incentives that promote county and city compliance with chapter 36.-- RCW (sections 1 through 20 of this act);

(f) Increases affordable housing state-wide and promotes linkages between land use and transportation;

(g) Addresses vesting of rights; and

(h) Addresses short subdivisions; and

(3) Develop recommendations to provide for the resolution of disputes over urban growth areas between counties and cities, including incorporations and annexations.

NEW SECTION, Sec. 88. (1) Sections 1 through 20 of this act shall constitute a new chapter in Title 36 RCW.

(2) Sections 54 through 58 of this act shall constitute a new chapter in Title 47 RCW.

NEW SECTION, Sec. 89. 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. 90. Part and section headings as used in this act do not constitute any part of the law."

On page 29, beginning on line 19 of the report, strike all of section 39

Remember the remaining sections consecutively and correct any internal references accordingly.

On page 34, line 8 of the report, after "those" strike "capital" and insert "public"

On page 1, line 1 of the title, after "growth;" strike the remainder of the title and insert "amending RCW 35A.40.210, 36.94.040, 56.08.020, 57.16.010, 82.46.010, 82.46.030, 82.46.040, 82.46.050, 82.46.060, 82.02.020, 58.17.060, 58.17.110, 36.81.121, 35.77.010, 35.58.2795, 76.09.050, 76.09.060, 43.210.010, 43.210.020, 43.31.005, 43.31.035, 43.63A.065, 43.160.060, 43.168.050, 43.155.070, and 43.63A.078; adding new sections to chapter 43.63A RCW; adding a new section to chapter

35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.77 RCW; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; adding a new section to chapter 43.62 RCW; adding new sections to chapter 82.46 RCW; adding new sections to chapter 82.02 RCW; adding new sections to chapter 59.18 RCW; adding a new section to chapter 19.27 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 36 RCW; adding a new chapter to Title 47 RCW; and creating new sections."

On page 1, line 13 of the title, after "43.62 RCW; adding" strike "new sections" and insert "a new section"

Signed by Senators Vognild, Amondson; Representatives Cantwell, Nutley, Betzoff.

MOTION

On motion of Ms. Cantwell, the Report of the Conference Committee on Engrossed Substitute House Bill No. 2929 was adopted and the committee was granted the powers of Free Conference.

SENATE AMENDMENT TO HOUSE CONCURRENT RESOLUTION

April 1, 1990

Mr. Speaker:

The Senate has passed HOUSE CONCURRENT RESOLUTION NO. 4446, with the following amendment:

On page 1, line 3, after "4442," strike everything down through and including "estate" on line 4, and insert "Senate Bill No. 6344, relating to regional support networks" and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

Mr. Ebersole moved that the House do concur in the Senate amendment to House Concurrent Resolution No. 4446. The motion was carried.

FINAL PASSAGE OF HOUSE CONCURRENT RESOLUTION AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Concurrent Resolution No. 4446 as amended by the Senate.

House Concurrent Resolution No. 4446 as amended by the Senate was adopted.

MESSAGE FROM THE SENATE

April 1, 1990

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6344,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

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

INTRODUCTION AND FIRST READING

SB 6344 by Senators Niemi, Bailey, West, Vognild, McMullen, Wojahn and Smith

Revising provisions for regional support networks.

MOTION

On motion of Mr. Ebersole, the rules were suspended and Senate Bill No. 6344 was advanced to second reading and read the second time in full.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Sayan spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6344, and the bill passed the House by the following vote: Yeas, 92; absent, 1; excused, 5.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ellis, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Rafter, Rasmussen, Rayburn, Rector, Rust, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luvan, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Absent: Representative Sayan - 1.

Excused: Representatives Beck, Belcher, Kirby, Morris, Padden - 5.

Senate Bill No. 6344, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 1, 1990

Mr. Speaker:

The President has signed:

SENATE BILL NO. 6091.

SENATE BILL NO. 6906.

SENATE CONCURRENT RESOLUTION NO. 8444.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 6091.

SENATE BILL NO. 6906.

SENATE CONCURRENT RESOLUTION NO. 8444.

REPORT OF CONFERENCE COMMITTEE

March 31, 1990

Mr. Speaker:

We of your Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 6407, adopting the supplemental operating budget, have had the same under consideration and we report that we are unable to agree, and we respectfully request the powers of Free Conference in order to recommend that:

All previous amendments be rejected, and

The bill be amended as follows:

Strike everything after the enacting clause and insert the following:

"INDEX

Accountancy Board, sec. 124

Administrator for the Courts, sec. 109

Agriculture Department, sec. 312

Air Transportation Commission, sec. 403

Attorney General, sec. 115

Basic Health Plan, sec. 230

Belated Claims, sec. 706

Central Washington University, secs. 601, 606

Community College Education Board, secs. 601, 602

Community Development Department, sec. 225

Corrections Department, sec. 229

Court of Appeals, sec. 107

Criminal Justice Training Commission, sec. 226

Eastern Washington University, secs. 601, 605

Ecology Department, sec. 302

Employment Security Department, sec. 231

Energy Office, sec. 301

Environmental Hearings Office, sec. 305

Financial Management Office, sec. 116

- Fisheries Department, sec. 307
- General Administration Department, sec. 121
- Governor, secs. 703, 704, 705, 708
 - Compensation, Salary, and Insurance Benefits, sec. 708
 - Emergency Fund, sec. 705
 - Self-Insurance Fund Premiums, sec. 703
 - Tort Claims Revolving Fund, sec. 704
- Health Care Authority, sec. 224
- Health Department, sec. 232
- Higher Education Coordinating Board, secs. 601, 609, 610
- House of Representatives, sec. 101
- Housing Trust Fund, sec. 234
- Indian Affairs, Governor's Office, sec. 113
- Information Services Department, sec. 122
- Insurance Commissioner, sec. 123
- Interagency Committee for Outdoor Recreation, sec. 304
- Investment Board, sec. 119
- Judicial Conduct Commission, sec. 108
- Labor and Industries Department, sec. 227
- Legislative Budget Committee, sec. 103
- Lieutenant Governor, sec. 110
- Liquor Control Board, sec. 125
- Licensing Department, sec. 402
- Military Department, sec. 128
- Natural Resources Department, secs. 309-311
- Parks and Recreation Commission, sec. 303
- Personnel Department, sec. 117
- Pollution Liability Reinsurance Program, sec. 314
- Public Disclosure Commission, sec. 111
- Public Employment Relations Commission, sec. 129
- Redistricting Commission, sec. 105
- Retirement Systems Department, sec. 118
- Retirement Contributions, secs. 709, 710
- Revenue Department, sec. 120
- Secretary of State, sec. 112
- Senate, sec. 102
- Social and Health Services Department, secs. 201-223
 - Administration and Supporting Services, sec. 220
 - Alcohol and Drug Support, secs. 212, 213
 - Child Protective Services, sec. 203
 - Children and Family Services, secs. 202, 204
 - Community Services Administration, sec. 221
 - Community Social Services, sec. 211
 - Developmental Disabilities Program, sec. 207
 - Drug Enforcement and Education Account, secs. 214-217
 - General Assistance—Unemployable Program, sec. 210
 - Income Assistance Program, sec. 209
 - Juvenile Rehabilitation Program, sec. 205
 - Medical Assistance Program, sec. 218
 - Mental Health Program, sec. 206
 - Long-Term Care Services, sec. 208
 - Payments to Other Agencies, sec. 223
 - Public Health Program, sec. 219
 - Revenue Collections Program, sec. 222
 - Vendor Rate Increases, sec. 201
- State Actuary, sec. 104
- State Auditor, sec. 114
- State Capitol Historical Association, sec. 613
- State Convention and Trade Center, sec. 313
- State Library, sec. 612
- State Patrol, sec. 401
- State Treasurer, secs. 701, 702, 711
 - Federal Revenues for Distribution, sec. 702
 - State Revenues for Distribution, sec. 701
 - Transfers, sec. 711
- Sundry Claims, sec. 707
- Superintendent of Public Instruction, secs. 501-518
 - Employee Compensation, secs. 504-506

General Apportionment, sec. 502
 Handicapped Education, sec. 509
 Highly Capable Students Programs, sec. 512
 Institutional Education Programs, sec. 511
 Learning Assistance Program, sec. 516
 Local Education Program Enhancement Funds, sec. 517
 Local Effort Assistance, sec. 510
 Pupil Transportation, sec. 507
 School District Support, sec. 513
 Special and Pilot Programs, sec. 514
 State Administration, sec. 501
 State Board of Education, sec. 518
 Supplies, Materials, and Equipment, sec. 503
 Transitional Bilingual Programs, sec. 515
 Vocational-Technical Institutes, sec. 508
 Supreme Court, sec. 106
 The Evergreen State College, secs. 601, 607
 Trade and Economic Development Department, sec. 306
 University of Washington, secs. 601, 603
 Utilities and Transportation Commission, sec. 126
 Veterans Affairs Department, sec. 228
 Volunteer Fire Fighters' Board, sec. 127
 Washington Institute of Applied Technology, sec. 611
 Washington State University, secs. 601, 604
 Western Washington University, secs. 601, 608
 Wildlife Department, sec. 308

PART I
GENERAL GOVERNMENT

Sec. 101. Section 101, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation	\$	((49,360,000)) 49,620,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$150,000 is provided solely to contract for an evaluation of Seattle public schools.
 (2) \$250,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the senate and the secretary of state.

(3) \$163,000 is provided solely for the fellows program of the Washington state institute for public policy.

Sec. 102. Section 102, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund Appropriation	\$	((36,751,000)) 37,006,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the secretary of state.

(2) \$163,000 is provided solely for the fellows program of the Washington state institute for public policy.

Sec. 103. Section 103, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation	\$	((1,864,000)) 1,889,000
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The appropriation in this section is subject to the following conditions and limitations: \$25,000 is provided solely to plan and contract for an independent evaluation of state-operated and community-operated residential services for developmentally disabled clients. The evaluation shall document the efforts of the department of social and health services and compare the cost and quality of state-operated and community-operated services. The evaluation shall make recommendations to the legislature on expansion of community programs and the role of residential habilitation centers in the range of programs available to persons with developmental disabilities. The impact of auditing procedures, funding sources, and limitations on capital and operating budgets shall be included. The evaluation shall be submitted to the legislature by December 1, 1991.

Sec. 104. Section 105, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Fund Appropriation \$ ~~(1,098,000)~~
1,219,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

(2) \$100,000 is provided solely for implementation of the employee benefits communication project by the joint committee on pension policy.

NEW SECTION, Sec. 105. FOR THE REDISTRICTING COMMISSION

General Fund Appropriation \$ 221,000

Sec. 106. Section 108, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation \$ ~~(13,404,000)~~
13,497,000

The appropriation in this section is subject to the following conditions and limitations: \$5,013,000 is provided solely for the indigent appeals program.

Sec. 107. Section 110, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation \$ ~~(13,765,000)~~
13,932,000

The appropriation in this section is subject to the following conditions and limitations: \$354,000 is provided solely for an additional judgeship in division I of the court of appeals. (~~If neither Senate Bill No. 5109 nor House Bill No. 1802 is enacted by June 30, 1989, this amount of the appropriation shall lapse.~~)

Sec. 108. Section 111, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ ~~(594,000)~~
684,000

Sec. 109. Section 112, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ ~~(26,481,000)~~
27,607,000

Public Safety and Education Account Appropriation \$ ~~(22,850,000)~~
23,200,000

Total Appropriation \$ ~~(49,331,000)~~
50,807,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, the administrator for the courts, in conjunction with the indigent defense task force, shall review the feasibility of implementing an indigent defense cost recovery program in order to recover state expenses for the indigent appeals program. The administrator for the courts also shall prepare recommendations regarding standards for indigency to be applied uniformly among courts throughout the state. Recommendations regarding a cost recovery program and indigency standards shall be submitted to the house of representatives appropriations and the senate ways and means committees by December 1, 1989.

(2) \$4,712,000 of the general fund appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. In administering TASC program contracts, the administrator for the courts shall monitor program expenditures, conduct program audits, and develop corrective action plans as necessary for contract compliance.

(3) ~~\$(15,555,000)~~ 16,681,000 of the general fund appropriation is provided solely for the superior court judges program.

(4) \$50,000 of the public safety and education account appropriation is provided solely for the continuation of the indigent defense task force as provided in Substitute Senate Bill No. 5960 (indigent defense services). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) \$200,000 of the public safety and education account appropriation is provided solely for implementing Substitute Senate Bill No. 5474 or Substitute House Bill No. 1119 (court interpreters). If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(6) \$500,000 of the general fund appropriation is provided solely for a foster care review pilot project. In designing the project, the administrator for the courts shall: (a) Establish control groups, one with foster care review and one without, and (b) document the comparative impacts on court costs and foster care length-of-stay.

(7) \$5,758,000 of the public safety and education account appropriation is provided solely to implement the conversion of the district court information system (DISCIS) to a subsystem compatible with the other subsystems within the judicial information system. The amount provided in this subsection is intended to convert twenty-eight existing DISCIS sites and establish eight new sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdiction. The administrator for the courts shall report to the legislature by January 15, 1990, on the reasonableness and feasibility of installing more DISCIS sites during the 1989-91 biennium.

(8) \$3,000,000 of the public safety and education account appropriation shall be held in reserve by the administrator for the courts until July 1, 1990.

(9) The administrator for the courts shall prepare a five-year plan for the judicial information system in conformance with the guidelines of the department of information services. The administrator for the courts shall submit the plan to the house of representatives committee on appropriations and the senate committee on ways and means by January 15, 1990. The five-year plan shall include but not be limited to the following items: Long range goals, objectives, and priorities; estimated equipment and software acquisition costs; an equipment acquisition schedule; estimated operating costs by fiscal year; a cost/benefit analysis of planned system modifications; an analysis of the revenue impact of implementing accounts receivable modules; current and projected debt service costs; descriptions of the services provided to each court jurisdiction; and a plan for requiring local matching funds.

(10) \$175,000 of the public safety and education account appropriation is provided solely for development of trial court demonstration projects. This amount shall be matched by at least an equal amount from federal funds. By January 1, 1991, the office shall report to the house of representatives appropriations committee and the senate ways and means committee on development of these projects.

(11) \$100,000 of the public safety and education account appropriation is provided solely to implement recommendations from the gender and justice task force. Of this amount: (a) \$45,000 is provided solely for creation of a task force on domestic violence issues. The task force shall undertake a study of domestic violence issues in the criminal justice system and make recommendations for domestic violence reform; (b) \$25,000 is provided solely for the office of the administrator for the courts to initiate measures to educate and train judges, attorneys, and court personnel on domestic violence issues; and (c) \$30,000 is provided solely for a joint study of spousal maintenance and property division issues by the legislature and the superior court judges' association. By January 1, 1991, the study shall recommend changes to achieve greater economic equity among family members following dissolution of a marriage.

(12) \$75,000 of the public safety and education account appropriation is provided solely for the minority and justice task force program to implement recommendations from the minority and justice task force.

Sec. 110. Section 114, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR	
General Fund Appropriation	\$ (492,000) 542,000

The appropriation in this section is subject to the following conditions and limitations: \$50,000 is provided solely to establish an information clearinghouse to encourage and promote public/private partnerships.

Sec. 111. Section 115, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION	
General Fund Appropriation	\$ (1-289,000) 1,296,000

Sec. 112. Section 116, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE	
General Fund Appropriation	\$ (8-042,000) 8,242,000
Archives and Records Management Account Appropriation	\$ (2-571,000) 2,659,000
Department of Personnel Service Fund Appropriation	\$ 447,000
Total Appropriation	\$ (11-060,000) 11,348,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the senate.

(2) \$1,074,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(3) \$2,542,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(4) \$123,000 of the general fund appropriation is provided solely for expansion of the oral history program recently instituted by the archives and records management division.

(5) \$200,000 of the general fund appropriation is provided solely to reimburse counties for costs associated with reporting absentee ballots by precinct, pursuant to chapter 262, Laws of 1990.

Sec. 113. Section 117, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation	\$	((290,000))
		299,000

Sec. 114. Section 120, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund Appropriation	\$	902,000
Motor Vehicle Fund Appropriation	\$	225,000
Municipal Revolving Fund Appropriation	\$	((16,262,000))
		16,567,000
Auditing Services Revolving Fund Appropriation	\$	((10,330,000))
		10,409,000
Total Appropriation	\$	((27,727,000))
		28,103,000

Sec. 115. Section 122, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund Appropriation—State	\$	((6,100,000))
		7,148,000
General Fund Appropriation—Federal	\$	1,664,000
Legal Services Revolving Fund Appropriation	\$	((70,713,000))
		72,374,000
Motor Vehicle Fund Appropriation	\$	761,000
New Motor Vehicle Arbitration Account Appropriation	\$	1,716,000
Total Appropriation	\$	((81,042,000))
		83,663,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$761,000 of the motor vehicle fund appropriation is provided solely to pursue highway bid-rigging anti-trust litigation and shall be expended only after the office of financial management approves plans for any expenditures.

(2) No part of the appropriations provided in this section may be used to move any attorney co-located with an agency for which the attorney provides legal services away from the agency without prior approval of the agency and the office of financial management.

(3) ~~\$((101,000))~~ 941,000 of the general fund—state appropriation is provided solely for expanding the computerized homicide information and tracking system. The attorney general shall report to the legislature, no later than January 14, 1991, on the homicide information and tracking system, as well as on the feasibility of expanding the system to include ~~((the))~~ sexual offenses and other serious violent crimes ~~((of rape, robbery, and arson)), as recommended by the governor's task force on community protection.~~ The report shall include a local agency financial participation analysis, a systems analysis that includes use of the incident-based reporting system (IBR) of the Washington association of sheriffs and police chiefs and of the criminal information system of the Washington state patrol, and a full-cost purchase analysis. The attorney general shall coordinate the preparation of this report with the office of financial management, the Washington association of sheriffs and police chiefs, and the Washington state patrol. \$760,000 of the amount provided in this subsection shall not be expended until the report is submitted to the legislature and shall be conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(4) \$220,000 of the legal services revolving fund appropriation is provided solely for the civil commitment of sexually violent predators pursuant to chapter 3, Laws of 1990.

(5) \$200,000 of the general fund—state appropriation is provided solely for grants to local governments for the operating expenses of crime stoppers programs to increase public awareness and assistance in solving crimes. The attorney general shall seek a geographic distribution of the grants under this subsection and may require matching funds from the local government. No more than \$16,000 of the amount provided in this subsection may be expended by the attorney general for administrative expenses.

(6) The attorney general shall prepare an expenditure report describing actual expenditures from the legal services revolving fund for each agency receiving legal services. The

report shall cover expenditures for fiscal year 1990. For each agency, the report shall describe: (a) Estimated and actual expenditures, including expenditures authorized through interagency agreements; (b) estimated and actual staffing levels; (c) services provided; and (d) current and future legal issues facing the agency. The report shall be submitted to the office of financial management and the fiscal committees of the house of representatives and senate by September 1, 1990.

(7) The attorney general shall notify the fiscal committees of the house of representatives and senate of any proposed interagency agreement for legal services. Notification shall be provided concurrently with the initial submittal of information on the proposed agreement to the office of financial management. Notification shall describe the purpose of the agreement, the cost of the legal services, and the need, if any, for continuation of these legal services beyond the period covered under the agreement.

Sec. 116, Section 123, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation	\$	((22,519,000))
		22,944,000
Public Facility Construction Loan Revolving Fund Appropriation	\$	375,000
Hospital Commission Account Appropriation	\$	844,000
Motor Vehicle Fund Appropriation	\$	101,000
Total Appropriation	\$	((23,464,000))
		24,264,000

The appropriations in this section are subject to the following conditions and limitations:

~~((2))~~ (1) \$845,000 of the general fund appropriation and \$844,000 of the hospital commission account appropriation are provided solely for fiscal year 1991 and are subject to the following conditions:

(a) If, by June 30, 1989, Substitute Senate Bill No. 5385 (hospital data collection) is enacted and a department of health is created, the amounts provided in this subsection shall be transferred to the department of health solely for the purposes of Substitute Senate Bill No. 5385.

(b) If, by June 30, 1989, Substitute Senate Bill No. 5385 is not enacted and a department of health is created, the amounts provided in this subsection shall be transferred to the department of health solely for the purposes of data collection previously performed by the hospital commission.

(c) If, by June 30, 1989, Substitute Senate Bill No. 5385 is not enacted and a department of health is not created, the amounts provided in this subsection shall be retained by the office of financial management solely for the purposes of data collection previously performed by the hospital commission.

~~((7))~~ (2) The office of financial management shall study the effect on county revenues resulting from the designation of timber for processing within the state as specified under section 2 of Substitute Senate Bill No. 5911. The study shall determine the magnitude of revenue changes and shall include recommendations on methods to determine whether county forest board revenues declined, the amount of any decline, and possible methods to compensate counties for any decrease in revenue. The office shall report its findings to the appropriate committees of the senate and house of representatives by December 1, 1990.

(4) \$50,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 6832 (juvenile rehabilitation study). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(5) The public facility construction loan revolving fund appropriation and \$375,000 of the general fund appropriation are provided solely for the worker training study pursuant to section 4 of Engrossed Senate Bill No. 6411. If the bill is not enacted by June 30, 1990, the amount provided in this section shall lapse.

(6) The Washington state commission for efficiency and accountability in government shall develop a plan and make recommendations for a structure, process, and methodologies to evaluate program effectiveness. The plan shall address general evaluation research techniques, data requirements, and cost estimates of various methods to evaluate the effectiveness of state-funded programs. The plan shall identify alternatives to current program evaluation that are based on the evaluation of expected programmatic outcomes. The commission shall submit a preliminary report of findings and recommendations to the appropriate legislative committees by March 1, 1991.

(7) Within the appropriations provided in this section, the office of financial management shall study the state's program for the school for the blind and the school for the deaf. The study shall determine the management organization and fiscal practices necessary for maximum operational and financial efficiency of the school. The office shall report its findings to the appropriate committees of the senate and house of representatives by December 1, 1990.

Sec. 117, Section 125, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation \$ ~~((14,498,000))~~
 15,585,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$80,000 of this amount is provided solely for the establishment of the new leadership fellowship program with Hyogo prefecture in Japan.

(2) \$670,000 is provided solely for implementation of Engrossed House Bill No. 1360, House Bill No. 2236, or the career executive management program portion of Substitute Senate Bill No. 5140. If none of these bills is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(3) The department of personnel shall survey the compensation practices of comparable in-state and out-of-state law enforcement agencies. The survey shall consider the degree to which duties, skills, and working conditions are shared by classifications such as wildlife agents, fisheries agents, and members of the Washington state patrol, all of whom have full police powers. The department shall report on the survey findings to the legislature by January 1, 1990.

(4) \$65,000 is provided solely for an additional staffperson with expertise in compensation policy.

(5) \$166,000 is provided solely to implement weekend and evening tests for job applicants for state personnel board positions, to conduct a systematic review and update of state personnel tests, and to provide additional score sheet information when reporting test results to applicants.

Sec. 118, Section 130, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation \$ ~~((22,301,000))~~
 23,209,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$908,000 is provided solely for information systems projects named in this section for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, 'information systems projects' means the projects known by the following names or successor names: Transmittals, member account ledgers, account receivables, billing, and disbursements.

(2) \$871,000 is provided solely for reduction of the agency's backlogs.

(3) \$184,000 is provided solely for development of data security and program library management.

(4) \$50,000 is provided solely for the preparation of information on disability benefit for members of the retirement systems. In preparing this information, the department shall coordinate with the joint committee on pension policy regarding the committee's employee communications project.

(5) The department shall be divided into three program areas of administration, data processing, and retirement operations.

(6) \$678,000 is provided solely to implement chapter 8, Laws of 1990 (Substitute Senate Bill No. 6594, notification of service credit), Substitute House Bill No. 2643 (survivor's options), and Substitute House Bill No. 2644 (service credit calculations).

(7) \$150,000 is provided solely for preparation and distribution of educational and informational material on retirement for the members of the state's retirement systems. The material shall include, but not be limited to, an update of the plan statements of the state's retirement systems in a readily understandable form, development of easily understood explanations of specific retirement benefits and procedures for obtaining such benefits, and orientation information on retirement.

Sec. 119, Section 131, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account Appropriation \$ ~~((2,015,000))~~
 2,111,000

The appropriation in this section is subject to the following conditions and limitations:

\$142,000 is provided solely for the information systems project known as the state-wide investment management system.

Sec. 120, Section 132, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation \$ ~~((75,729,000))~~
 77,973,000
 Timber Tax Distribution Account Appropriation \$ ~~((3,302,000))~~
 3,396,000
 State Toxics Control Account Appropriation \$ 100,000
 Solid Waste Management Account Appropriation \$ 92,000

Pollution Liability Reinsurance Trust Account Appropriation	\$	286,000
Vehicle Tire Recycling Account Appropriation	\$	122,000
Total Appropriation	\$	(79,711,000)
		81,969,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$286,000 of the pollution liability reinsurance trust account appropriation is provided solely for implementation of Second Substitute House Bill No. 1180. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(2) \$122,000 of the vehicle tire recycling account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1671. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(3) \$92,000 of the solid waste management account appropriation is provided solely for implementing the provisions of Engrossed Substitute House Bill No. 1671. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(4) \$1,936,000 of the general fund appropriation is provided solely for defense of the state in legal actions involving utility litigation relating to property tax.

(5) The department shall immediately take such steps as are necessary to promulgate and implement a rule providing for fair and equitable application of business and occupation tax to persons engaging in business as tour operators.

Sec. 121, Section 137, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State	\$	(8,576,000)
		9,296,000
General Fund Appropriation—Federal	\$	1,715,000
General Fund Appropriation—Private/Local	\$	99,000
Motor Vehicle Fund Appropriation	\$	(330,000)
		368,000
Resource Management Cost Account Appropriation	\$	2,000
State Wildlife Account Appropriation	\$	4,000
Accident Fund Appropriation	\$	1,000
State Patrol Highway Account Appropriation	\$	228,000
Motor Transport Account Appropriation	\$	10,712,000
General Administration Facilities and Services Revolving Fund Appropriation	\$	(21,498,000)
		22,901,000
Total Appropriation	\$	(43,158,000)
		45,326,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund appropriation (and), state patrol highway account appropriation, resource management cost account appropriation, state wildlife account appropriation, and accident account appropriation are provided solely for risk management activities related to (the motor vehicle fund and the state patrol highway account) those specific funds and accounts.

(2) \$471,000 of the motor transport account appropriation is provided solely to establish the office of motor vehicle services as provided in chapter 57, Laws of 1989.

(3) \$117,000 of the general fund—state appropriation is provided solely for the processing of asbestos claims on behalf of state agencies. All revenue from the claims shall be deposited in the general fund.

NEW SECTION, Sec. 122. VIDEO TELECOMMUNICATIONS SYSTEM. \$1,209,000 is appropriated from the general fund to the department of information services for state-wide video telecommunications, of which: (1) \$179,000 is provided solely to develop a plan for cost-effective, incremental implementation of a coordinated state-wide video telecommunications system, pursuant to chapter 208, Laws of 1990; (2) \$1,000,000 is provided solely for the purchase of video telecommunications equipment deemed by the information services board to be essential and critical components of a coordinated state-wide video telecommunications system; and (3) \$30,000 is provided solely for transfer to the superintendent of public instruction to conduct a study on the implications and impact of commercial promotional and commercial sponsorship activities on educational programming and the educational system in general. The superintendent shall prepare and submit a report to the legislature no later than January 15, 1991. The report shall include findings and recommendations, including policy options related to allowing, prohibiting, or limiting the use of commercial promotional activities, or commercial sponsorship activities, in the public school system.

Sec. 123, Section 139, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account Appropriation	\$	(12,126,000)
		12,498,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$27,000 is provided solely to implement Engrossed Senate Bill No. 6834 (small business basic health plan).

(2) The insurance commissioner shall report to the appropriate committees of the legislature by December 1, 1990, on the availability and cost of property insurance for businesses and residences located in inner city areas. The report shall analyze options for increasing the availability and reducing the cost of such insurance.

Sec. 124. Section 140, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	((443,000))
		461,000
Certified Public Accountant Examination Account Appropriation	\$	655,000
Total Appropriation	\$	((1,098,000))
		1,116,000

Sec. 125. Section 144, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation	\$	((95,098,000))
		96,229,000

Sec. 126. Section 146, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation	\$	((26,245,000))
		26,522,000
Grade Crossing Protective Fund Appropriation	\$	320,000
Total Appropriation	\$	((26,565,000))
		26,842,000

The appropriations in this section are subject to the following conditions and limitations: ~~\$((347,000))~~ 277,000 of the public service revolving fund appropriation is ~~((contingent on the enactment))~~ provided solely for implementation of Engrossed Substitute House Bill No. 1671. ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

Sec. 127. Section 147, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER ~~((FIREMEN))~~ FIRE FIGHTERS

Volunteer Fire Fighters' Relief and Pension Administrative Fund Appropriation	\$	((315,000))
		328,000

Sec. 128. Section 148, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State	\$	((8,087,000))
		8,097,000
General Fund Appropriation—Federal	\$	6,425,000
Total Appropriation	\$	((14,512,000))
		14,522,000

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund—state appropriation is provided solely for a recruiting brochure for the 81st infantry brigade.

Sec. 129. Section 149, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	((1,819,000))
		1,855,000

The appropriation in this section is subject to the following conditions and limitations: \$36,000 is provided solely for unanticipated attorney general charges.

PART II

HUMAN SERVICES

Sec. 201. Section 202, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

GENERAL VENDOR RATE INCREASES

In granting the vendor rate increases that specifically reference this section and that are funded by appropriations in sections 201 through 219 of this act ~~((which reference this section))~~, the department may vary percentage increases among vendor groups. In order to determine the percentage increases for each vendor group, the department may consider the gap between the vendor group's costs or market rates and department rates, and the extent to which a disproportionate share of the vendor group's revenue or activity is dependent on department clients. The department shall ensure that the overall average rate increase on

January 1, 1990, does not exceed three percent and that the average overall increase on January 1, 1991, does not exceed two percent. The department may transfer funds among appropriations for the purposes of this section. In no case may transfers out of a section exceed the amounts appropriated for the purposes of this section. This section does not apply to rates for hospitals and nursing homes reimbursed under chapter 74.46 RCW.

Sec. 202. Section 203, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State	\$	((262,400,000))
		276,824,000
General Fund Appropriation—Federal	\$	((161,172,000))
		171,515,000
Drug Enforcement and Education Account Appropriation	\$	2,000,000
Public Safety and Education Account Appropriation	\$	400,000
Total Appropriation	\$	((424,660,000))
		450,739,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,152,000 of the general fund—state appropriation and \$293,000 of the general fund—federal appropriation are provided solely for reduction of the average caseloads for child protective and child welfare casework staff to a standard of thirty-two cases per staff.

(2) \$5,812,000 of the general fund—state appropriation is provided solely to expand services to families to reduce the need for family or group foster care. Of the amount provided in this subsection, \$2,560,000 is provided solely for additional homemakers; \$982,000 is provided solely for family reconciliation services (level II); \$1,000,000 is provided solely for home-based services or treatment for families receiving child protective services; and \$1,270,000 is provided solely for increased child care services.

(3) \$400,000 of the public safety and education account appropriation is provided solely to continue training programs under chapter 70.125 RCW for medical personnel regarding victims of sexual abuse. Training provided under this subsection shall be designed to develop regional expertise on identification, verification, and retention of evidence in cases of child sexual abuse.

(4) \$5,090,000 of the general fund—state appropriation and \$591,000 of the general fund—federal appropriation are provided solely to increase rates and services as follows: \$3,210,000 of the general fund—state appropriation and \$591,000 of the general fund—federal appropriation are provided solely for increased treatment and rates for family foster care and child placement agencies; \$500,000 of the general fund—state appropriation is provided solely for increased grants to domestic violence shelter programs; \$200,000 of the general fund—state appropriation is provided solely for increased grants to victims of sexual assault programs; and \$1,180,000 of the general fund—state appropriation is provided solely for increased rates for therapeutic child care.

(5) ~~S((3,925,000))~~ 4,926,000 of the general fund—state appropriation is provided solely to increase the number of children served in the employment child care subsidy program.

(6) ~~S((694,000))~~ 929,000 of the general fund—state appropriation is provided solely for expansion of the homebuilders program in Thurston, King, Skagit, Clark, and Jefferson counties.

(7) \$300,000 of the general fund—state appropriation is provided solely for grants for the operation of community-based family support centers. Grants shall be administered and evaluated by the council for prevention of child abuse and neglect. Grantees shall be part of a community interagency team that provides support to families, which support may include, but is not limited to, parenting education and support groups, child development assessments, and information and referral services. As a condition of receiving a grant, grantees shall provide twenty-five percent of the funding for family support centers.

(8) Any federal funds not anticipated in this act received for the purpose of maternal and child health services may be spent to increase county health department services to families with young children, including home visits, preventive health care, nutrition, and other services.

(9) \$5,133,000 of the general fund—state appropriation and \$2,559,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the children and family services program, as specified in section 202 of this act.

(10) \$2,020,000 of the general fund—state appropriation is provided solely for foster care diversion projects established under section 203(15), chapter 289, Laws of 1988. The department shall continue or expand those projects showing positive outcomes in both benefits to families and cost neutrality. The department shall report to the appropriate committees of the legislature by January 8, 1990, on these projects. The reports shall include a description of each project, the cost of each project, and an assessment of its effectiveness.

(11) \$250,000 of the general fund—state appropriation is provided solely for employer-related child care activities, including outreach and technical assistance to employers, by the

department of social and health services or community-based child care resource and referral agencies as outlined in Engrossed Substitute House Bill No. 1133 and Second Substitute Senate Bill No. 6051. No moneys provided in this subsection may be spent for grants or loans to employers.

(12) ~~\$(500,000)~~ 2,150,000 of the general fund—state appropriation is provided solely for continuation of the 'continuum of care' projects ~~((as provided for in section 203(15), chapter 289, Laws of 1988;))~~ through June 30, ~~((1990))~~ 1991. \$1,400,000 of this amount is provided solely for continuation of direct services provided at the three existing sites. In addition, \$250,000 is provided solely for a fourth site. The legislature intends that associated research be limited to the collection of risk assessment data on children served by these sites.

(13) \$1,525,000 of the general fund—state appropriation is provided solely for treatment of sexually abused children pursuant to sections 1402 and 1403, chapter 3, Laws of 1990.

(14) \$1,196,000 of the general fund—state appropriation is provided solely for the treatment of sexually aggressive youth pursuant to chapter 3, Laws of 1990.

(15) \$175,000 of the general fund—state appropriation is provided solely to conduct separate pilot projects in King and Spokane counties for the joint investigation of child abuse and sexual assault cases by local law enforcement personnel and state child protective service caseworkers pursuant to chapter 3, Laws of 1990.

(16) \$55,000 of the general fund—state appropriation is provided solely for Volunteers of America of Spokane's crosswalk project.

(17) \$245,000 of the general fund—state appropriation is provided solely for state-wide parent education and support, including such groups as Parents Anonymous. Of this amount, \$45,000 is provided for the Washington council for the prevention of child abuse and neglect to monitor programs and further develop the database clearinghouse project.

(18) \$1,038,000 of the general fund—state appropriation and \$312,000 of the general fund—federal appropriation are provided for adoption support. Of this amount, \$137,000 of the general fund—state appropriation and \$135,000 of the general fund—federal appropriation are provided solely for reconsideration of adoption support pursuant to Engrossed House Bill No. 2602.

(19) \$204,000 of the general fund—state appropriation and \$28,000 of the general fund—federal appropriation are provided solely for foster care preservice training pursuant to section 2 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(20) \$93,000 of the general fund—state appropriation and \$13,000 of the general fund—federal appropriation are provided solely for on-site monitoring of family foster homes and reporting requirements pursuant to section 4 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(21) \$430,000 of the general fund—state appropriation is provided solely for respite care pursuant to section 8 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(22) \$37,000 of the general fund—state appropriation and \$5,000 of the general fund—federal appropriation are provided solely for additional training to foster parents pursuant to section 13 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(23) No more than \$210,000 of the general fund—state appropriation may be spent to increase the administrative rate paid to child placement agencies, effective July 1, 1990.

(24) \$355,000 of the general fund—state appropriation and \$49,000 of the general fund—federal appropriation are provided solely for the recruitment of foster parents pursuant to section 15 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(25) \$125,000 of the general fund—state appropriation and \$17,000 of the general fund—federal appropriation are provided solely to develop and implement a foster parent survey tool pursuant to section 17 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(26) \$344,000 of the general fund—state appropriation and \$47,000 of the general fund—federal appropriation are provided solely for parental rights termination casework consistent with policy established in sections 31 through 33 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(27) \$9,800,000 of the general fund—state appropriation and \$1,292,000 of the general fund—federal appropriation are provided solely to increase, by a uniform percentage, vendor rates for out-of-home placements, including juvenile group homes, effective July 1, 1990.

(28) \$1,850,000 of the general fund—state appropriation is provided solely to implement the family independence program child care rate structure and child slot system in other child care programs offered by the department, effective January 1, 1991.

(29) \$300,000 of the general fund—state appropriation is provided solely for domestic violence programs.

(30) \$600,000 of the general fund—state appropriation is provided solely for child care for clients of the maternity care access ("first steps") program.

(31) \$2,000,000 of the general fund—state appropriation is provided solely for the expansion of womens, infants, and children (WIC) program to eligible children from birth to age six.

(32) \$1,502,000 of the general fund—state appropriation and \$91,000 of the general fund—federal appropriation are provided solely for child care licensing. The legislature intends that .3 of an attorney general FTE be added at the effective date of this act, and that an additional 2.0 attorneys general FTEs be added effective January 1, 1991.

(33) \$2,000,000 of the drug enforcement and education account appropriation is provided solely for the care of children affected by substance abuse by their mothers. Of this amount:

(a) \$600,000 is provided solely for the treatment of infants who are medically fragile as a result of substance abuse by their mothers. Treatment shall be provided at pediatric interim care centers that give temporary medical care to detoxify foster care infants born under the influence of cocaine or other drugs, including alcohol; and

(b) \$1,400,000 is provided solely to increase the number of special needs infants and children receiving therapeutic child care services.

(34) Authority to expend funds for the womens, infant, and children (WIC) data systems project is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(35) Authority to expend funds for the children services case and management information system (CAMIS) project is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(36) \$370,000 of the general fund—state appropriation is provided solely to implement Engrossed House Bill No. 2602 subject to the following conditions and limitations:

(a) \$100,000 is provided solely for comprehensive adoption training for public agencies and private nonprofit organizations that provide pregnancy information and counseling to women;

(b) \$240,000 is provided solely for grants to nonprofit child placement agencies licensed under chapter 74.15 RCW for additional staff to recruit potential adoptive parents for, and place for adoption, children with physical, mental, or emotional disabilities, children who are part of a sibling group, children over age 10, and minority or limited English-speaking children;

(c) \$30,000 is provided solely for extended general assistance benefits to pregnant women as provided in section 2 of Engrossed Substitute House Bill No. 2602. If the bill is not enacted by June 30, 1990, this amount shall lapse.

(37) \$30,000 of the general fund—state appropriation is provided solely for a study on adoption to be conducted by the senate, house of representatives, administrator for the courts, and the department of social and health services. Of the amount provided in this subsection, \$5,000 shall be provided to the senate, \$5,000 shall be provided to the house of representatives, \$10,000 shall be provided to the administrator for the courts, and \$10,000 shall be provided to the department of social and health services. A report shall be submitted to the appropriate committees of the legislature and shall include: (a) Recommended guidelines for minimum standards for adoption; and (b) recommended statutory and administrative changes to better provide for the needs of persons involved in adoption. The department shall request that the state adoption council, the state bar association, and the state medical association participate in the study.

NEW SECTION. Sec. 203. CHILD PROTECTIVE SERVICES AND CHILD WELFARE SERVICES. \$4,569,000, of which \$569,000 is from federal funds, is appropriated from the general fund to the department of social and health services, children and family services program, solely for the direct and indirect costs of additional caseworkers for child protective services and child welfare services who are hired above the level appropriated in the 1989 legislative session, in order to reduce the caseload ratios for those services. Not more than 90 FTEs per month over the levels appropriated by the legislature in 1989 may be supported with these funds. At least \$3,000,000 of the appropriation shall be used for salaries and benefits of the caseworkers and supervisors. \$2,000,000 of the appropriation shall not be expended before November 1, 1990. Not more than \$460,000 of the appropriation shall be used for additional attorneys general and supporting staff. Not more than \$1,000,000 of the appropriation shall be used for equipment, training, office space, and additional clerical support for the caseworkers and supervisors.

Sec. 204. Section 14, chapter 10, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

The sum of ten million one hundred fifty-three thousand dollars, or as much thereof as may be necessary, of which five million three hundred thirty-six thousand dollars shall be from federal funds, is appropriated from the ((state)) general fund for the biennium ending June 30, 1991, to the department of social and health services, children and family services program, for the purpose of establishing a maternity care support service system as prescribed in this act. At least \$100,000 of the appropriation shall be spent for public education and information on the service system. \$200,000 of the appropriation shall be transferred by July 1, 1990, to the University of Washington for evaluation of the maternity care access program as prescribed in

Engrossed Substitute House Bill No. 2603. It is the intent of the legislature that resources for this study be used in an efficient manner and that existing data bases be used to the extent possible.

Sec. 205. Section 204, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	((33,512,000))
		<u>35,439,000</u>
General Fund Appropriation—Federal	\$	134,000
Total Appropriation	\$	((33,646,000))
		<u>35,573,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$418,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing service to the juvenile rehabilitation program, as specified in section 202 of this act.

(b) \$554,000 of the general fund—state appropriation is provided solely to accommodate offender population increases resulting from the policies of the juvenile disposition standards board.

(c) \$1,046,000 of the general fund—state appropriation is provided solely for the cost of court-ordered evaluations of juvenile sex offenders to determine their amenability to treatment and for costs associated with providing outpatient sex offender treatment and community supervision as part of the special sexual offender disposition alternative pursuant to chapter 3, Laws of 1990.

(d) \$710,000 of the general fund—state appropriation is provided solely for outpatient treatment services for juvenile sex offender parolees, and for additional juvenile parole staff required as a result of an increase in the length of parole for juvenile sex offenders pursuant to chapter 3, Laws of 1990.

(e) \$171,000 of the general fund—state appropriation is provided solely for the costs of juvenile sex offender treatment coordinators, providing training for regional staff, and establishing resource libraries as recommended by the governor's task force on community protection.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	((47,370,000))
		<u>47,729,000</u>
General Fund Appropriation—Federal	\$	871,000
Total Appropriation	\$	((48,241,000))
		<u>48,600,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) The department shall develop a long-range plan for the future status of institutional programs and facilities. The plan shall be presented to the appropriate policy and fiscal committees of the senate and house of representatives by January 8, 1990, and shall address in detail:

((a)) (i) Offenders who can be diverted to community programs;

((b)) (ii) Community programs necessary to successfully divert offenders from state facilities;

((c)) (iii) Programs and facilities most appropriate for offenders requiring incarceration in state facilities;

((d)) (iv) The costs to state and local organizations to accomplish the plan; and

((e)) (v) Policy changes necessary to accomplish the plan.

(b) \$284,000 of the general fund—state appropriation is provided solely for juvenile sex offender treatment coordinators, specialized treatment services for juvenile sex offenders, training for institutional staff, and resource libraries, as recommended by the governor's task force on community protection.

(3) PROGRAM SUPPORT

General Fund Appropriation	\$	2,905,000
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Sec. 206. Section 205, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	((168,222,000))
		<u>177,613,000</u>
General Fund Appropriation—Federal	\$	((91,552,000))
		<u>94,432,000</u>
General Fund Appropriation—Local	\$	((3,360,000))
		<u>3,753,000</u>

Total Appropriation \$ ~~((263,134,000))~~
275,708,000

The appropriations in this subsection are subject to the following conditions and limitations:
(a) A maximum of ~~\$(33,012,000)~~ 35,212,000 of the general fund—state appropriation and ~~\$(16,057,000)~~ 17,127,000 of the general fund—federal appropriation are provided for approved regional network plans through contracts negotiated with the secretary of social and health services.

(i) It is the intent of the legislature to implement mental health reform on a multi-year schedule. Dramatic escalation of costs for new programs would impair the state's ability to proceed with subsequent expansion. The contracts shall contain a fiscal plan that will ensure that the increased cost of maintaining fiscal year 1991 programs in fiscal year 1992 will not unduly exceed the rate of inflation. Of the amounts provided in this subsection, a maximum of \$500,000 from the general fund—state appropriation may be used for planning and technical assistance grants to counties or regions wishing to form networks. The amounts in this subsection include moneys needed to implement the federal omnibus budget and reconciliation act of 1987 ('OBRA'). First priority for necessary mental health services shall be given to individuals transferred from nursing homes because of OBRA. Such services shall be consistent with an individual's discharge plan and shall include residential services, if needed. Assumptions regarding the number of transfers from the nursing homes shall be incorporated into each contract and shall be consistent with the state-wide plan. The department shall coordinate OBRA transfers consistent with the provisions of each contract. ~~((The secretary shall negotiate contracts with networks from areas comprising no more than two-thirds of the state's population. Contracts shall be negotiated in at least two competitive rounds. The first round of contracts shall be effective no later than January 1, 1990. The last round of contracts shall be effective no later than March 1, 1990.))~~ The secretary shall negotiate contracts only with regional support networks that received recognition under chapter 205, Laws of 1989 as of January 1, 1990. Funding for the north sound and north central networks shall commence no sooner than January 1, 1991. Networks funded after January 1990 shall be subject to the same contracting process as networks funded in January 1990.

(ii) The department shall continue contracting directly for the Kitsap mental health services residential care alternative project until such time as Kitsap county becomes or joins a regional support network. The reimbursement rate per available bed-day shall not exceed \$206 in fiscal year 1990 and \$210 in fiscal year 1991. During the contract period, all eligible involuntary treatment referrals for Kitsap county residents shall be made to the project. No involuntary referrals shall be made to western state hospital unless the Kitsap residential treatment facility is filled to capacity and the mental health division and the Kitsap county mental health coordinator concur with the referral. Priority for referral to western state hospital shall be given to individuals under ninety-day or one hundred eighty-day commitments and individuals who have exhausted all community placement options.

(iii) The department may continue to contract directly with Chartley house until King county joins or becomes a regional support network.

(iv) The department's contracts with regional support networks shall include a provision for the transfer or diversion of mentally ill individuals from nursing homes when those individuals are not in need of a nursing home level of care. No individual shall be transferred without his or her consent or the consent of his or her guardian. Networks shall develop outreach and orientation protocols to encourage mentally ill individuals who might otherwise reside in nursing homes to reside in appropriate community settings supported by the network. The networks shall report the number of individuals diverted or transferred from nursing homes to network placements. The department shall report the same information for nonnetwork areas. The department shall make summary reports to the fiscal committees of the legislature on a quarterly basis.

(b) \$2,000,000 of the general fund—state appropriation is provided solely for a mental health housing reserve. The secretary of social and health services shall transfer funds from the reserve to the state hospitals in any quarter in which hospital census exceeds the December 1988 forecast adjusted to eliminate the bed contract assumption. Any amount remaining after March 1991 may be used for one-time grants. In making grants, the secretary shall give priority to proposals that facilitate network development, demonstrate integration with other mental health services, and are designed to reduce involuntary treatment.

(c) \$5,500,000 of the general fund—state appropriation is provided solely for increases for involuntary treatment act administration, including costs associated with involuntary medication hearings.

(d) \$2,200,000 of the general fund—state appropriation is provided solely for information system requirements associated with chapter 205, Laws of 1989. Authority to expend funds for the client information system is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(e) \$600,000 of the general fund—state appropriation and \$400,000 of the general fund—federal appropriation are provided solely for increasing local hospital outlier payments.

(f) \$1,400,000 of the general fund—state appropriation and \$500,000 of the general fund—federal appropriation are for community mental health services for children. Priority for the remaining moneys shall be given to maintaining Title XIX eligibility for children's out-patient services at risk of losing federal financial participation because of lack of state match.

(g) \$3,509,000 of the general fund—state appropriation and \$1,322,000 of the general fund—federal appropriation are for vendor rate increases for vendors providing services to the mental health program, as specified in section 202 of this act.

(h) \$165,000 of the general fund—state appropriation is provided solely for a pilot project on the delivery of children's mental health services. The amount provided in this subsection is contingent on receipt by the department of \$393,000 from private sources.

(i) \$1,500,000 of the general fund—state appropriation and \$720,000 of the general fund—federal appropriation are provided solely for the enhancement of children's mental health services. The department shall contract with networks and counties through separate performance-based contracts. Contracts shall include a provision expanding services for underserved or difficult-to-service children, including minorities. Applications from counties and networks shall include endorsements from affected school districts, child welfare agencies, juvenile court systems, and tribes. Of these amounts, \$200,000 is provided solely for the development of a state-wide action plan for children's mental health. The plan shall include strategies to reduce duplicate case management. It shall recommend changes, if necessary, to mental health statutes and other statutes to accommodate children's special needs and circumstances. It shall include proposals to increase access and availability of culturally relevant mental health services for minority children. It shall propose a protocol for client referrals from educational and social service agencies and a cross-system collaborative process for ranking those referrals. In developing the plan, the department shall involve representatives of the education, juvenile justice, child welfare, and mental health systems. The department shall present the plan by December 1, 1990, to the appropriate program and fiscal committees of the house of representatives and the senate.

(j) \$500,000 of the general fund—state appropriation is provided solely for a comprehensive community-based pilot program for the prevention of community violence:

(i) The pilot program shall be established through a competitive selection process and shall provide for coordination between local law enforcement agencies and courts, local government, domestic violence and victims' support programs, regional support networks, public health agencies, health care providers, schools, and relevant programs within state agencies. The program shall designate a lead agency and develop written interagency agreements to provide a coordinated continuum of services. The pilot program shall make every effort to preserve existing violence intervention programs and coordinate available funding for services related to community violence prevention and services to victims of violence.

(ii) The pilot program shall provide at least the following services: Services to family members who are victims of violence; services to victims of violent crime; case management services; specialized intervention programs for treatment of perpetrators of violence; parenting and caregiver training to families experiencing or at-risk of experiencing violence; and public education regarding community violence.

(iii) Twenty-five percent of the funding for the pilot program shall be provided in-kind or in cash by public or private entities in the community administering the pilot program.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	((265,687,000))
		208,720,000
General Fund Appropriation—Federal	\$	((+0,869,000))
		10,877,000
Total Appropriation	\$	((216,496,000))
		219,597,000

The appropriations in this subsection are subject to the following conditions and limitations: \$9,026,000 of the general fund—state appropriation and \$560,000 of the general fund—federal appropriation are provided for improvements at state mental hospitals. Of these amounts, it is intended that:

(a) \$56,000 is for start-up of an employee day care facility to enhance staff recruitment and retention.

(b) \$500,000 is for staff recruitment, retention, and development activities which includes but is not limited to continuing education, inservice training, and scholarships for staff training to become registered nurses.

(c) \$2,920,000 is for improving housekeeping and maintenance.

(d) \$2,750,000 is for improved staffing at the state hospitals.

(e) \$2,550,000 is for research and teaching activities in cooperation with universities, colleges, community colleges, and vocational technical institutes. In developing these relationships, the secretary shall give highest priority to activities which improve staff recruitment, retention, and development and contribute to improving quality of care.

(f) \$100,000 is for the nurses conditional scholarship program established in chapter 242, Laws of 1988. The department shall transfer \$100,000 to the higher education coordinating

board for the purposes of this section. The moneys transferred to the board shall be used only for nurses who agree to serve at the state hospitals or who agree to serve community mental health providers in underserved areas.

(g) \$960,000 of the general fund—state appropriation is provided solely for the costs incurred by the attorney general and county governments in the civil commitment of sexually violent predators pursuant to chapter 3, Laws of 1990.

(h) \$654,000 is provided solely for providing treatment to civilly committed sexual predators pursuant to chapter 3, Laws of 1990.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,347,000
General Fund Appropriation—Federal	\$	1,379,000
Total Appropriation	\$	4,726,000

(4) SPECIAL PROJECTS

General Fund Appropriation—State	\$	((1,258,000))
		<u>1,558,000</u>
General Fund Appropriation—Federal	\$	2,966,000
Total Appropriation	\$	((4,224,000))
		<u>4,524,000</u>

The appropriation in this subsection is subject to the following conditions and limitations: ~~\$(600,000)~~ 900,000 of the general fund—state appropriation is provided solely to expand the primary intervention program to ~~(ten)~~ fifteen additional school districts beginning in 1989-90.

Sec. 207. Section 206, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	((104,169,000))
		<u>117,868,000</u>
General Fund Appropriation—Federal	\$	((85,326,000))
		<u>99,210,000</u>
Total Appropriation	\$	((189,495,000))
		<u>217,078,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$992,000 of the general fund—state appropriation and \$669,000 of the general fund—federal appropriation are provided solely to provide additional funding for the Sunrise group homes congregate care facilities and the St. Margaret's Hall congregate care facility, and to establish a pilot group home project for the Special Homes and MORE organizations. The department may transfer up to \$238,000 of the general fund—state appropriation provided in the long-term care services program to this subsection to provide additional funding for Sunrise group homes.

(b) \$417,000 of the general fund—state appropriation and \$477,000 of the general fund—federal appropriation are provided solely to transfer twenty-eight residents of the united cerebral palsy program to community-based residential programs.

(c) \$2,785,000 of the general fund—state appropriation and \$1,413,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the developmental disabilities program, as specified in section 202 of this act.

(d) To the extent feasible, the department shall enable at least twenty-two developmentally disabled persons, initially from Clark county, who have been transferred from residential habilitation centers due to downsizing to receive residential and day programming services in Clark county.

(e) \$1,391,000 of the general fund—state appropriation is provided solely for supervision and treatment of developmentally disabled individuals who have a history of sexually predatory or violent and assaultive behavior, are not incarcerated and cannot be civilly committed, and whose family or other caregivers cannot provide sufficient supervision or care to prevent the individual from engaging in further sexually predatory or violent and assaultive behaviors, as recommended by the governor's task force on community protection.

(f) \$300,000 of the general fund—state appropriation is provided solely for contracting with a not-for-profit organization for the purpose of promoting supported employment services for the developmentally disabled. Any agreement for the use of a portion of this appropriation shall require that an amount equal to at least one-half of that portion be contributed from nonstate sources for the same purpose. The department shall audit the not-for-profit organization at the end of the biennium to ensure that the organization has secured the required matching funds.

(g) \$8,121,000 of the general fund—state appropriation and \$5,414,000 of the general fund—federal appropriation are provided solely for salary and benefit increases effective May 1, 1990, for employees of community-contracted facilities serving the developmentally disabled.

(h) In making residential placement of clients with developmental disabilities previously residing in residential habilitation centers, the state may provide such services directly after: Efforts have been made to provide private support and services to the client; private residential providers from the region chosen by the client or parent or guardian have been contacted about providing services to the client; and the parent or guardian requests placement in a state-operated facility.

(i) The department shall immediately request that the county with the largest population within each of the department's six administrative regions prepare and annually update, through a cooperative effort with the local developmental disability boards and the regional department administration, a directory of all services available within the region for the developmentally disabled. \$151,000 of the general fund—state appropriation is provided solely for allocation to the counties for preparation of the directory.

(ii) Prior to placing a client in a community residential program, the department shall interview the client and the client's parent or guardian about the placement, including, if necessary, mailing a certified letter to the last known address of the parent or guardian.

(iii) A client who has been moved from a state residential habilitation center to a private community residential program or a private facility for the mentally retarded shall not thereafter be placed in a state-operated community residential program, unless no private facility in the region is able and willing to serve the client, as determined by the department.

(iv) After December 31, 1990, the number of clients served in state-operated community residential programs, other than regional habilitation centers, shall not exceed the number of clients who are subject to the federal and state plans in effect on March 30, 1990, for residential habilitation center reduction and who by December 31, 1990, choose to be so served.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	(104,849,000)
		105,025,000
General Fund Appropriation—Federal	\$	(117,487,000)
		127,731,000
Total Appropriation	\$	(222,336,000)
		232,756,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,000,000 of the general fund—state appropriation and \$675,000 of the general fund—federal appropriation are provided solely to fund the provisions of Engrossed Substitute House Bill No. 1051. If Engrossed Substitute House Bill No. 1051 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(b) \$150,000 of the general fund—state appropriation may be used to provide day programming services to residents of the Frances Haddon Morgan Center.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	3,879,000
General Fund Appropriation—Federal	\$	626,000
Total Appropriation	\$	4,505,000

Sec. 208, Section 207, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES

General Fund Appropriation—State	\$	(445,753,000)
		460,847,000
General Fund Appropriation—Federal	\$	(499,185,000)
		519,795,000
General Fund Appropriation—Local	\$	296,000
Total Appropriation	\$	(945,234,000)
		980,938,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 4.7 percent on July 1, 1989, and 4.7 percent on July 1, 1990.

(2) \$3,200,000 of the general fund—state appropriation is provided solely to enhance respite care services.

(3) The department shall provide personal care services for Title XIX categorically eligible persons, effective July 1, 1989. Personal care services shall be provided to eligible persons with one or more personal care needs who meet program eligibility standards established by rule pursuant to chapter 34.05 RCW.

(4) \$2,100,000 of the general fund—state appropriation and \$700,000 of the general fund—federal appropriation are provided solely to increase medical benefits for contracted chore service workers, contracted personal care workers, and contracted COPES workers.

(5) The department shall request an amendment to its community options program entry system waiver under section 1905(c) of the federal social security act to include respite services as a service available under the waiver.

(6) At least \$16,050,420 of the general fund—state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,265,000 of this

amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(7) \$2,179,000 of the general fund—state appropriation and \$2,464,000 of the general fund—federal appropriation are provided solely for expansion of the community options entry program.

(8) \$700,000 of the general fund—state appropriation is provided for new and expanded volunteer chore services.

(9) \$4,270,000 of the general fund—state appropriation and \$813,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to long-term care services, as specified in section 202 of this act.

(10) \$500,000 of the general fund—state appropriation is provided solely to enhance quality assurance for adult family homes through enhanced survey, licensing, and contracted consultation activities. If House Bill No. 1968 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(11) In addition to the adjustments for inflation set forth in subsection (1) of this section, \$1,410,000 of the general fund—state appropriation and \$1,590,000 of the general fund—federal appropriation are provided solely for a special prospective inflation adjustment for the nursing services cost center. The special adjustment shall go into effect July 1, 1989, and shall be set at a level to ensure that the amount provided in this subsection is sufficient to fund the special adjustment through June 30, 1991. The special adjustment shall be used only to fund wages and benefits and shall not be used to fund nursing pool expenses. The legislature finds that medicaid reimbursement rates, in every cost center and rate period, are and have been adequate, without enhancements, to meet costs that must be incurred by economically operated nursing care in compliance with all state or federal health and safety standards.

(12) ~~\$(3,666,000)~~ 5,957,000, of which ~~\$(1,596,000)~~ 2,638,000 is from the general fund—state appropriation, is provided solely for the maximum needs allowance for at-home spouses of nursing home residents as provided in chapter 87, Laws of 1989. The maximum needs allowance is set at ~~\$(1,000)~~ 1,258 per month per at-home spouse.

(13) \$50,000 of the general fund—state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate increase shall be effective July 1, 1990. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general.

(14) It is the intent of the legislature that mentally ill persons who are determined by the department not to be in need of a nursing home level of care shall be referred where possible to the regional support networks or, where no network exists, to the mental health division for appropriate residential services. The department shall adopt procedures for these referrals.

Sec. 209. Section 208, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	(374,337,000)
		422,021,000
General Fund Appropriation—Federal	\$	(406,004,000)
		561,882,000
Total Appropriation	\$	(780,421,000)
		983,903,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,661,000 of the general fund—state appropriation and \$10,026,000 of the general fund—federal appropriation are provided solely for a two percent standard increase beginning January 1, 1990, for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(2) \$7,938,000 of the general fund—state appropriation and \$9,210,000 of the general fund—federal appropriation are provided solely for a six percent increase, beginning January 1, 1991, in the grant standard for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(3) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent

such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$~~((200,000,000))~~ 230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$((36	47	56	67	77	87	101	111))
	55	71	86	102	117	133	154	170

(4) \$946,000 of the general fund—state appropriation and \$241,000 of the general fund—federal appropriation are provided solely for the shelter component of grants for homeless families or persons who lack a fixed, regular, and adequate nighttime residence, or who reside in a public or privately operated shelter that is designed to provide temporary living accommodations, or who are provided temporary lodging through a public or privately funded emergency shelter program. This amount is intended to be applied to members of these groups whose grants could otherwise be established using a separate standard for shelter provided at no cost pursuant to RCW 74.04.770.

(5) \$250,000 of the general fund—state appropriation and \$117,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the income assistance program, as specified in section 202 of this act.

~~((6))~~ (6) The department shall expand the family independence program by four sites to a total of fifteen sites.

~~((7))~~ (7) Moneys from these appropriations may be spent for general assistance programs not included in section 209 of this act.

Sec. 210. Section 209, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—GENERAL ASSISTANCE—UNEMPLOYABLE PROGRAM

General Fund Appropriation—State	\$	((69,550,000))
		<u>76,085,000</u>
General Fund Appropriation—Federal	\$	((418,000))
		<u>288,000</u>
Total Appropriation	\$	((69,968,000))
		<u>76,373,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((2))~~ (1) \$1,379,000 of the general fund—state appropriation is provided solely for a two percent standard increase beginning January 1, 1990, for the general assistance—unemployable program.

(2) \$1,517,000 of the general fund—state appropriation is provided solely for a six percent increase, beginning January 1, 1991, in the grant standard for the general assistance—unemployable program.

Sec. 211. Section 210, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State	\$	28,872,000
General Fund Appropriation—Federal	\$	((17,651,000))
		<u>38,941,000</u>
Drug Enforcement and Education Account Appropriation—State	\$	800,000
Total Appropriation	\$	((46,523,000))
		<u>68,613,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,204,000 of the general fund—state appropriation and \$32,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services for the community social service program, as specified in section 202 of this act.

(2) \$700,000 of the general fund—state appropriation is provided solely to expand refugee assistance services.

(3) In order to achieve a more equitable rate structure, the department, in consultation with affected parties, shall revise its rates for vendors providing services for the alcohol and drug addiction treatment and support program by reducing outpatient treatment rates and increasing inpatient treatment rates.

(4) \$300,000 of the drug enforcement and education account—state appropriation is provided solely for youth employment programs for drug-involved youth who are or have been under the jurisdiction of the department of social and health services, division of juvenile rehabilitation. Services shall be provided by the corrections clearinghouse and Washington service corps operated by the department of employment security.

(5) \$500,000 of the drug enforcement and education account—state appropriation is provided solely for outreach to chemically dependent pregnant women and for the operation of transitional sobriety housing for recovering chemically dependent pregnant women and their children.

Sec. 212. Section 211, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM—ASSESSMENT AND TREATMENT		
General Fund Appropriation—State	\$	((17,116,000))
		16,199,000
General Fund Appropriation—Federal	\$	9,948,000
<u>Drug Enforcement and Education Account Appropriation—State</u>	\$	1,500,000
Total Appropriation	\$	((27,064,000))
		27,647,000

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations:

(1) ~~((This))~~ The general fund appropriations ~~((is))~~ are provided solely for assessment and treatment services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. First priority for receipt of inpatient and outpatient treatment services shall be given to pregnant women and parents of young children. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) The entire drug enforcement and education account—state appropriation is provided solely for child care for children of parents in outpatient drug and alcohol treatment.

Sec. 213. Section 212, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND DRUG TREATMENT AND SUPPORT PROGRAM—SHELTER

General Fund Appropriation	\$	((10,639,000))
		3,423,000

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for shelter services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) A person is eligible for shelter services provided by this appropriation only if he or she:

(a) Meets the financial eligibility requirements contained in RCW 74.04.005;

(b) Is incapacitated from gainful employment due to a condition contained in (c) of this subsection, which incapacity will likely continue for a minimum of sixty days; and

(c) (i) Suffers from active addiction to alcohol or drugs manifested by physiological or organic damage resulting in functional limitation, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding; or

(ii) Suffers from active addiction to alcohol or drugs to the extent that impairment of the applicant's cognitive ability will not dissipate with sobriety or detoxification, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding.

(3) Any rule by the department pursuant to section 2, chapter 3, Laws of 1989, as amended, shall be consistent with these conditions and limitations.

(4) Consistent with RCW 74.50.010(7), the department shall aggressively develop and contract for shelter services, including dormitory-style shelters.

Sec. 214. Section 407, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of four million ~~((nine hundred))~~ five hundred sixty-nine thousand dollars from the drug enforcement and education account—state and three hundred thirty-one thousand dollars from the general fund—federal, or as much thereof as may be necessary, ~~((is))~~ are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services for the purposes of sections 301 through 309 of this act.

Sec. 215. Section 409, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of ~~((five))~~ two million ~~((five))~~ seven hundred forty-eight thousand dollars from the drug enforcement and education account—state and two million seven hundred fifty-two thousand dollars from the general fund—federal, or as much thereof as may be necessary, ~~((is))~~ are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services for maternity care support services for alcohol and drug-abusing pregnant women. Support services shall include substance abuse treatment programs specifically designed to serve pregnant women and postpartum women and their infants and children. A continuum of treatment shall be provided, to include one or more of the following components:

(1) Inpatient treatment programs capable of serving pregnant women and postpartum women and infants;

(2) An ambulatory treatment facility serving women and their infants who test positive for the human immunodeficiency virus (HIV) or the acquired immunodeficiency syndrome (AIDS);

(3) Transition housing or safe living space for pregnant and postpartum women and infants;

(4) Outpatient or follow-up treatment which includes a provision for child care.

The department shall maximize federal participation for support services provided under this section to eligible persons under the medical assistance program. Title XIX of the federal social security act.

Sec. 216. Section 414, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of ~~((twelve)) eleven~~ million two hundred thousand dollars ~~from the drug enforcement and education account—state and one million dollars from the general fund—federal,~~ or as much thereof as may be necessary, ~~((is)) are~~ appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services to provide inpatient youth assessment and treatment programs to serve youth and their families. At least forty percent of new inpatient treatment slots provided under this section shall be located east of the Cascade mountains. Up to fifteen of the treatment slots created under this section shall be staff-secure. Inpatient treatment programs shall incorporate appropriate outpatient and aftercare programs. In addition, within appropriated funds, the department shall develop intensive outpatient treatment services for children and youth for whom inpatient treatment is inappropriate or unavailable.

Sec. 217. Section 419, chapter 271, Laws of 1989 (uncodified) is amended to read as follows:

The sums of ~~((four)) one hundred eighty-three~~ thousand dollars ~~from the drug enforcement and education account—state and two hundred seventeen thousand dollars from the general fund—federal,~~ or as much thereof as may be necessary, are appropriated for the biennium ending June 30, 1991, ~~((from the drug enforcement and education account))~~ to the department of social and health services for distribution to counties for methadone treatment pursuant to chapter 69.54 RCW, subject to the following conditions and limitations: This sum is provided solely for the purpose of increasing the number of persons for whom methadone treatment is available, and the department shall distribute funds under this section to a county only for the establishment of new treatment centers and only if a county attempts to recover the cost of methadone treatment by charging user fees based on ability to pay.

Sec. 218. Section 213, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	((688,479,000)) 697,558,000
General Fund Appropriation—Federal	\$	((666,599,000)) 689,430,000
Total Appropriation	\$	((1,355,078,000)) 1,386,988,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(2) The senate committee on ways and means and the house of representatives committee on appropriations shall jointly contract for a management and financial study of Harborview medical center, for the purpose of determining whether the cause of the actual and projected operating losses experienced by Harborview medical center are attributable to management practices within the hospital itself, or whether they are fundamentally attributable to the context in which the hospital operates.

(3) The department shall continue variable ratable reductions for the medically indigent and general assistance—unemployable programs in effect November 1, 1988.

(4) \$7,014,000 of the general fund—state appropriation and \$6,928,000 of the general fund—federal appropriation are provided solely for vendor rate increases for vendors providing services to the medical assistance program, as specified in section 202 of this act.

(5) In order to increase coordination and visibility of the state's overall mental health effort, a maximum of \$37,158,000 of the general fund—state appropriation, and a maximum of \$39,921,000 of the general fund—federal appropriation may be transferred to the mental health program. The department shall report to the house of representatives committee on appropriations and senate ways and means committee on any adjustments needed to this act to implement this subsection. It is the intent of the legislature that providers providing services funded by the amounts provided in this subsection shall receive the vendor increases provided in this section.

(6) \$14,473,000 of the general fund—state appropriation and \$17,566,000 of the general fund—federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

(7) Beginning July 1, 1990, the department of social and health services shall provide payment for chiropractic services under chapter 74.09 RCW. The department shall restrict payment for chiropractic services to a maximum of ten treatments per recipient in any twelve-month period.

(8) \$1,620,000 of the general fund—state appropriation and \$1,914,000 of the general fund—federal appropriation are provided solely for medical assistance for categorically needy children up to age six whose household income does not exceed one hundred thirty-three percent of the federal poverty level and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

(9) \$4,470,000 of the general fund—state appropriation and \$2,155,000 of the general fund—federal appropriation are provided solely for the expansion of health care services for children up to age eighteen from families with incomes below the federal poverty level. If Engrossed Substitute House Bill No. 2603 is enacted by June 30, 1990, the expansion shall become effective January 1, 1991. If Engrossed Substitute House Bill No. 2603 is not enacted by June 30, 1990, the amounts provided in this subsection shall lapse.

(10) \$6,293,000 of the general fund—state appropriation and \$6,545,000 of the general fund—federal appropriation are provided solely to increase children's access to basic health care through increases in payment rates for medical assistance and children's health services. \$1,371,000 of the general fund—state amount and \$459,000 of the general fund—federal amount in this subsection are provided solely to increase rates for managed care providers. The department shall adjust rates to ensure that no managed care provider is paid less than the state-wide average fee-for-service equivalent. The rate increases provided in this subsection shall become effective September 1, 1990.

(11) The department may, by intra-agency agreement, transfer funding from the appropriations for the medical assistance program to other department programs to provide non-hospital care for infants born with alcohol or drug addiction. Up to \$500,000 of the general fund—state appropriation may be transferred to the division of children and family services to provide specialized support and services to foster parents of these specialized needs babies. The support and services may include case management services, personal care services, specialized medical equipment, training, respite services, and counseling services. The department may prospectively reimburse foster care providers of infants and children affected by maternal use of or exposure to alcohol, drugs, or AIDS. Where possible, the department shall claim federal match for this less expensive alternative to hospital care. When it is deemed medically necessary for an infant to remain in a hospital setting, the infant shall not be transferred to a nonhospital setting. Transfer of the amounts under this subsection shall continue only if the department is able to demonstrate savings. The department shall report to the appropriate fiscal and program committees of the house of representatives and the senate on the implementation of this section by November 15, 1990.

Sec. 219, Section 214, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

General Fund Appropriation—State	\$	60,308,000
General Fund Appropriation—Federal	\$	14,468,000
General Fund Appropriation—Local	\$	(10,951,000)
		<u>10,707,000</u>
Public Safety and Education Account Appropriation	\$	200,000
State Toxics Control Account Appropriation	\$	828,000
Total Appropriation	\$	(86,755,000)
		<u>86,511,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,600,000 of the general fund—state appropriation is provided solely for continuation of the state drinking water program.

(2) \$4,000,000 of the general fund—state appropriation is provided solely to enhance funding for AIDS education, high-risk intervention, counseling and testing, case management, continuum of care, and coordination and planning activities through the regional AIDSNET program established by chapter 70.24 RCW. State moneys provided for AIDSNET activities may not be used to supplant other funds. The office on AIDS, established by RCW 70.24.250, shall require AIDSNET lead counties to develop regional service plans which meet state standards for uniformity and consistency. The state standards shall ensure that all the provisions of RCW 70.24.400(3) are implemented uniformly throughout the state.

(3) \$1,000,000 of the general fund—state appropriation is provided solely to increase in equal percentages medical and dental services provided through community health clinics. A maximum of \$100,000 of the amount provided in this subsection may be used to contract with new providers. \$900,000 of this amount shall be allocated to contractors who were contractors in fiscal year 1989, prorated according to the percentage of total fiscal year 1989 contract funds received by each contractor.

((f5)) (4) \$150,000 of the state toxics control account appropriation is provided solely to contract with the University of Washington for toxicology research, evaluation, and technical assistance regarding health risks of toxic substances.

((f6)) (5) \$200,000 of the public safety and education account is provided solely for a study of the trauma care system.

Sec. 220. Section 216, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund Appropriation—State	\$	((55,295,000))
		55,898,000
General Fund Appropriation—Federal	\$	((36,264,000))
		36,980,000
Institutional Impact Account Appropriation	\$	((86,000))
		230,000
Total Appropriation	\$	((91,659,000))
		93,108,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$666,000 of the general fund—state appropriation is provided solely to enhance the department's accounting system.

(2) \$83,000 of the general fund—state appropriation is provided solely for victims and witness notification pursuant to chapter 3, Laws of 1990.

(3) \$159,000 of the general fund—federal appropriation is provided solely to fund the 1989-91 salary increase in those programs that receive lidded federal block grant allocations. The department may transfer funds provided in this subsection between programs as necessary to accomplish the purpose of this subsection.

(4) \$150,000 of the general fund—state appropriation is provided solely for transfer to the institutional impact account.

(5) \$148,000 of the general fund—state appropriation and \$20,000 of the general fund—federal appropriation are provided solely for parental rights termination case administrative support pursuant to Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 221. Section 217, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation—State	\$	((165,471,000))
		164,539,000
General Fund Appropriation—Federal	\$	((108,364,000))
		200,973,000
Total Appropriation	\$	((353,775,000))
		365,512,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,178,000 of the general fund—state appropriation is provided solely to expand the supplemental security income pilot project state-wide.

(2) \$454,000 of the general fund—state appropriation and \$840,000 of the general fund—federal appropriation are provided solely to expand the patient-requiring-regulation program and provider review program of the division of medical assistance.

(3) \$1,000,000 of the general fund—state appropriation and \$1,000,000 of the general fund—federal appropriation are provided solely for transfer by interagency agreement to the Washington state institute for public policy to continue to conduct a longitudinal study of public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

(4) \$~~((666,000))~~ 645,000 of the general fund—state appropriation and \$~~((1,149,000))~~ 1,284,000 of the general fund—federal appropriation are provided solely for transfer ~~((by July 1, 1989))~~ by interagency agreement to the legislative budget committee for the purpose of an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(5) \$102,000 of the general fund—state appropriation and \$306,000 of the general fund—federal appropriation are provided solely for the department of social and health services and the employment security department for costs associated with the evaluation of the family independence program.

(6) \$137,000 of the general fund—state appropriation is provided solely for vendor rate increases for vendors providing services to the community services program, as specified in section 202 of this act.

(7)(a) \$668,000 of the general fund—state appropriation and \$518,000 of the general fund—federal appropriation are provided solely to continue the complaint backlog project to investigate and process backlogged public assistance and food stamp fraud complaints. The department shall assign additional staff under this subsection with the goals of (i) eliminating

the complaint backlog existing as of June 30, 1989, by March 1990, and (ii) maximizing overpayment recoveries during the biennium ending June 30, 1991.

(b) Expenditures for the purposes of this subsection shall be charged to a unique identifier in the department's accounting system. The department shall collect necessary data on the backlogged complaints and report to the legislative budget committee on December 1, 1989, and December 1, 1990, regarding the utilization, performance, and cost-effectiveness of the additional funding provided for complaint backlog work by this section.

(8) Authority to expend funds for the automated client eligibility system (ACES) is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess. A maximum of \$250,000 of the general fund—state appropriation may be expended on ACES.

Sec. 222. Section 218, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

General Fund Appropriation—State	\$	((39,600,000)) 39,091,000
General Fund Appropriation—Federal	\$	((76,728,000)) 70,291,000
General Fund Appropriation—Local	\$	949,000
Total Appropriation	\$	((111,277,000)) 110,331,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,391,000 of the general fund—state appropriation and \$4,696,000 of the general fund—federal appropriation are provided solely for the enforcement of health insurance provisions of child support orders pursuant to Substitute House Bill No. 1547 (medical support enforcement). (If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.)

(2) \$3,419,000 of the general fund—state appropriation and \$6,786,000 of the general fund—federal appropriation are provided solely to implement the requirements of the family support act.

(3) \$1,800,000 of the general fund—state appropriation, \$4,940,000 of the general fund—federal appropriation, and \$706,000 of the general fund—local appropriation are provided solely to implement recommendations made to the office of support enforcement by the efficiency commission. Authority to expend \$1,115,000 of the general fund—state appropriation, \$3,059,000 of the general fund—federal appropriation, and \$438,000 of the general fund—local appropriation for information projects named in this subsection is conditioned on compliance with section 802 of this act. For the purposes of this subsection, 'information systems projects' means the projects known by the following name or successor names: Office of support enforcement case tracking and collection.

(4) \$1,429,000 of the general fund—state appropriation, \$828,000 of the general fund—federal appropriation, and \$43,000 of the general fund—local appropriation are provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, 'information systems projects' means the projects known by the following names or successor names: Office of financial recovery accounts receivable management system.

(5) \$207,000 of the general fund—state appropriation and \$403,000 of the general fund—federal appropriation are provided solely for the implementation of the employer reporting amendments to RCW 26.23.040 contained in House Bill No. 1635 (support enforcement). If these amendments are not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

Sec. 223. Section 219, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund Appropriation—State	\$	((38,187,000)) 38,796,000
General Fund Appropriation—Federal	\$	((17,041,000)) 17,192,000
Total Appropriation	\$	((55,228,000)) 55,988,000

The appropriations in this section are subject to the following conditions and limitations: \$507,000 of the general fund—state appropriation and \$69,000 of the general fund—federal appropriation are provided solely for attorney services on termination casework consistent with policy established in sections 31 through 33 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 224. Section 220, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY
 State Employees Insurance Administrative Account Appropriation \$ ~~((6,203,000))~~
 7,068,000

Sec. 225. Section 221, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT
 General Fund Appropriation—State \$ ~~((56,487,000))~~
 84,912,000
 General Fund Appropriation—Federal \$ ~~((124,725,000))~~
 132,144,000
 General Fund Appropriation—Private/Local \$ 269,000
 Building Code Council Account Appropriation \$ 809,000
 Public Works Assistance Account Appropriation \$ 933,000
 Fire Service Training Account Appropriation \$ 750,000
 State Toxics Control Account Appropriation \$ 519,000
 Low Income Weatherization Account Appropriation \$ ~~((6,007,000))~~
 13,000,000
 Washington Housing Trust Fund Appropriation \$ ~~((3,566,000))~~
 13,500,000
 Total Appropriation \$ ~~((177,999,000))~~
 246,836,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund—state appropriation is provided solely for a state-wide stabilization program for arts organizations that have annual budgets exceeding \$200,000. No portion of this amount may be expended for a grant without a match of an equal portion from nonstate sources. No organization shall be eligible for such a grant unless it has operated without a deficit for at least the previous two years. A maximum of \$200,000 of this appropriation may be expended for grants in any single county.

(2) \$200,000 of the general fund—state appropriation is provided solely for development of a state-wide food stamp assistance outreach program. No portion of this amount may be expended without a match of an equal amount from federal funds.

(3) ~~\$((3,500,000))~~ 8,500,000 of the general fund—state appropriation is provided solely for security costs associated with the goodwill games, subject to the following conditions and limitations:

(a) ~~((A maximum of))~~ Of this amount, an initial allocation not greater than \$1,500,000 may be expended by the department to develop, in consultation with the Washington state patrol, local governments, the Seattle goodwill games organizing committee, and appropriate federal authorities, a coordinated security plan for the 1990 goodwill games. ~~((b))~~ The security plan shall contain an assessment of the security requirements for the goodwill games; a definition of the policy goals; and a description of the roles and responsibilities of federal, state, and local agencies in preparing and implementing the plan. The plan shall contain a detailed security plan element for the athletes village and for each of the local event venues. The plan shall provide a detailed budget that outlines how federal, state, local government resources, and Seattle goodwill games organizing committee resources will be used to meet the financial requirements of the plan. The plan shall consider the experiences of other states in providing security for such events. The initial plan shall be completed no later than November 1, 1989, and shall be submitted to the appropriate committees of the legislature no later than January 8, 1990. Refinements to the security plan for the goodwill games may continue through July 15, 1990.

~~((c))~~ (b) Other than expenditures for developing the plan, no portion of the amount provided in this subsection may be expended unless the plan has been completed and the expenditure complies with the plan and with the following conditions and limitations:

(i) The department shall provide in full for the entire budget requirement from the amount provided in this subsection contained in the plan for the Washington state patrol.

(ii) No more than ~~\$((200,000))~~ 150,000 of the amount provided in this subsection may be expended for administration of the plan.

(iii) ~~((The remainder of the amount provided in this subsection shall be allocated to local governments:~~

~~((iv)) Only direct personnel costs related to event security shall be eligible for general fund—state reimbursement. Local revenue losses and expenses for reducing normal workloads shall not be eligible for reimbursement.~~

~~((v))~~ No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The agreement by the Seattle goodwill games organizing committee shall also indemnify the state from any liability resulting from the games.

(c) The remainder of the funds provided shall be allocated to local governments and other state entities on the basis of a recommendation from the Seattle goodwill games organizing

committee. No portion of these funds may be provided for reimbursement until the Seattle organizing committee has provided the department with a written recommendation for distribution of the state appropriation. Local revenues lost and expenses for reducing normal workloads as a result of the goodwill games shall not be eligible for reimbursement from the general fund—state appropriation.

(d) Within, and not in addition to, the amount that otherwise would be allocated to the city of Tacoma for security purposes, \$25,000 shall be provided solely to the Washington state historical society for security costs incurred as a result of the goodwill games and related activities.

(e) The department shall present a final report to the house of representatives appropriations committee and the senate ways and means committee by June 1, 1990, detailing the amounts each jurisdiction will receive for security costs.

(f) No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The agreement by the Seattle goodwill games organizing committee shall also indemnify the state from any liability resulting from the games.

(4) \$3,000,000 of the general fund—state appropriation is provided solely for grants to emergency shelters.

(5) \$526,000 of the general fund—state appropriation is provided solely for the department's emergency food assistance program.

(6) \$250,000 of the general fund—state appropriation is provided solely for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW.

(7) ~~\$(+3,969,666)~~ 16,900,000 of the general fund—state appropriation is provided solely to increase the number of children enrolled in the early childhood education program.

(8) \$120,000 is provided solely for the department to provide grants to nonprofit organizations for the purpose of locating at least one additional reemployment center in areas of the state adversely impacted by reductions in timber harvested from federal lands. Each center shall provide direct and referral services to the unemployed. These services may include but are not limited to reemployment assistance, medical services, social services including marital counseling, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services shall not supplant the on-going efforts of any reemployment centers existing on the effective date of this act. Not more than five percent of this amount may be used for administrative costs of the department.

~~((+6))~~ (9) \$307,000 of the general fund—state appropriation is provided solely for the department to continue homeport activities.

~~((+7))~~ (10) \$200,000 of the general fund—state appropriation is provided solely to assist Okanogan county with planning activities to address impacts associated with major tourism developments.

~~((+8))~~ (11) \$75,000 of the general fund—state appropriation is provided solely for increased grants to public radio and television stations, consistent with RCW 43.63A.410 through 43.63A.420. In determining the allocation of grants to stations, the department shall strive to provide rural stations equitable access to these funds.

~~((+4))~~ (12) \$200,000 of the general fund—state appropriation is provided solely for a pilot rural revitalization program.

~~((+5) \$150,000)~~ (13) \$200,000 of the general fund—state appropriation is provided solely for the department to contract with the University of Washington for development and continuation of the children's telecommunication project. \$50,000 of this amount is a one-time contribution to the project.

~~((+6) \$200,000)~~ (14) \$375,000 of the general fund—state appropriation is provided solely to enhance the long-term care ombudsman program. Of this amount: (a) \$75,000 is provided solely to ensure adequate legal assistance to both residents of long-term care facilities and staff of the program; and (b) \$100,000 is provided solely to establish at least two additional service sites.

(15) \$100,000 of the general fund—state appropriation is provided solely as state support for the Washington state games. The amount provided in this subsection is contingent on the receipt of an equal amount from private sources.

(16) \$168,000 of the general fund—state appropriation is provided solely for equipment costs for the department's emergency operations center. The department shall develop and implement a plan to provide twenty-four hour-a-day access to the emergency operations center for local governments and other emergency management entities.

(17) \$10,000 of the general fund—state appropriation is provided solely for a grant to the Seattle children's museum to provide multicultural outreach programs to at-risk children in regional afterschool programs.

(18) \$260,000 of the general fund—state appropriation is provided to establish a system of early identification and referral to treatment of child victims of sexual assault or sexual abuse pursuant to section 1403, chapter 3, Laws of 1990.

(19) \$2,813,000 of the general fund—state appropriation is provided for grants to local programs and providers that aid victims of crime, pursuant to chapter 3, Laws of 1990, and for the crime victims advocacy office as recommended by the governor's task force on community protection. Of this amount: (a) Not more than \$53,000 shall be used for administration of the grant program; (b) \$260,000 is provided solely for the crime victims advocacy office; and (c) not more than \$53,000 may be expended for administration of the grant program.

(20) \$7,339,000 of the general fund—federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed as follows:

(a) \$1,800,000 to local units of government to continue existing local drug task forces.

(b) \$2,609,000 to local units of government to expand local drug task forces.

(c) \$730,000 to the department of community development to expand the state-wide drug prosecution assistance program.

(d) \$370,000 to the department of social and health services, division of juvenile rehabilitation, for matching grants to local governments, communities, schools, and the private sector to help prevent young people from joining gangs. Any agreement for the use of a portion of these moneys shall require that an amount equal to at least forty percent of that portion, including in-kind contributions, be contributed from nonstate sources for the same purpose. No single agency may receive more than one grant during the biennium, and no grant may exceed \$100,000 in value, including the value of nonstate matching amounts.

(e) \$165,000 to the department of community development to provide resources for the design, coordination, and implementation of programs that will reduce drug and gang activities in low-income housing complexes. These programs shall be provided through local contractors, which may include low-income housing organizations and housing authorities.

(f) \$535,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of expanding existing domestic violence advocacy programs, to provide legal and other assistance to victims and witnesses in court proceedings, and to establish new domestic violence advocacy programs.

(g) \$500,000 to the Washington state patrol for support of new drug law enforcement task forces in Yakima and Lewis counties.

(h) \$150,000 to the Washington state patrol for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine lab with the department of ecology to ensure maximum effectiveness of the program.

(i) \$150,000 to the Washington state patrol for coordination of local drug task forces.

(j) \$150,000 to the criminal justice training commission for narcotics enforcement training.

(k) \$180,000 to the department of community development for general administration of grants.

The department, in consultation with the governor's drug policy board, shall make recommendations to the governor concerning expenditure of moneys from the federal drug control and system improvement formula grant program for inclusion in the budget. The drug policy board shall consider chapter 271, Laws of 1989 as state policy for purposes of establishing spending priorities for federal antidrug funds.

(21) \$216,000 of the general fund—state appropriation is provided solely for juvenile court and detention costs resulting from Second Substitute Senate Bill No. 6610 (at-risk youth). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(22) \$200,000, of which \$120,000 is from the general fund—state appropriation and \$80,000 is from the general fund—federal appropriation, is provided solely for the department to develop a seismic safety program to assess and make recommendations regarding the state's earthquake preparedness. The department shall create a seismic safety advisory board to develop a comprehensive plan and make recommendations to the legislature for improving the state's earthquake preparedness. The plan shall include an assessment of and recommendations on the adequacy of communications systems, structural integrity of public buildings, including hospitals and public schools, local government emergency response systems, and prioritization of measures to improve the state's earthquake readiness. The department shall report to the senate and house of representatives committees on energy and utilities by December 1, 1991. An interim report shall be made to the committees by December 1, 1990.

(23) \$75,000 of the general fund—state appropriation is provided solely for planning new permanent displays of natural and cultural history and shall be transferred to the Thomas Burke Memorial Washington State Museum.

(24) \$9,200,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2929. Of this amount: (a) \$7,400,000 is provided solely for grants to counties and cities; (b) \$1,000,000 is provided solely for the department to provide technical assistance and mediation assistance to local governments for the development and implementation of comprehensive plans; (c) \$550,000 is provided for grants to rural communities; and (d) \$250,000 is provided solely for the inventory and collection of data on public and private land use. If Engrossed Substitute House Bill No. 2929 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(25) \$90,000 of the general fund—state appropriation is provided solely to implement the children's ombudsman program.

(26) \$70,000 of the general fund—state appropriation is provided solely for the center for voluntary action to develop a strategic plan to foster citizen service in the state. The plan shall examine ways to utilize senior citizens in citizen service; coordinate the activities between community organizations, schools, higher education institutions, business, and government service programs; and make recommendations on programs to link volunteers to service opportunities among these organizations. This is intended as a one-time appropriation.

(27) None of the \$10,000,000 housing trust fund appropriation provided by this 1990 act may be used for administrative expenses.

(28) \$2,000,000 of the housing trust fund appropriation is provided solely for housing assistance projects that benefit families with children, and \$200,000 of the housing trust fund appropriation is provided solely to implement a homelessness prevention pilot program. These amounts shall not be subject to all of the criteria for evaluation under RCW 43.185.070.

(29) \$10,000 of the general fund—state appropriation is provided solely for an international symposium to promote physical fitness.

Sec. 226. Section 224, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION		
Death Investigations Account Appropriation	\$	35,000
Public Safety and Education Account Appropriation	\$	((6,643,000))
		9,738,000
Total Appropriation	\$	((6,678,000))
		9,773,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$22,000 of the public safety and education account appropriation is provided solely for computer programming costs for the Washington association of sheriffs and police chiefs to implement Engrossed House Bill No. 2237 (racial bias and bigotry). If the bill is not enacted by June 30, 1990, this amount shall lapse.

(2) \$160,000 of the public safety and education account appropriation is provided solely for funding additional drug abuse resistance education (D.A.R.E.) instructors to assist in preventing drug abuse.

Sec. 227. Section 225, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES		
General Fund Appropriation	\$	9,277,000
Public Safety and Education Account Appropriation—State	\$	((16,334,000))
		19,764,000
Public Safety and Education Account Appropriation—Federal	\$	2,000,000
Accident Fund Appropriation	\$	((166,104,000))
		101,422,000
Electrical License Fund Appropriation	\$	((11,882,000))
		12,408,000
Farm Labor Revolving Account Appropriation	\$	30,000
Medical Aid Fund Appropriation	\$	((19,336,000))
		120,161,000
Asbestos Account Appropriation	\$	1,314,000
Plumbing Certificate Fund Appropriation	\$	696,000
Pressure Systems Safety Fund Appropriation	\$	1,476,000
Worker and Community Right-to-Know Fund Appropriation	\$	2,406,000
Total Appropriation	\$	((266,849,000))
		270,954,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,596,793 from the accident fund appropriation and \$12,953,328 from the medical aid fund appropriation are provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 802 of this act. For the purposes of this section, 'information systems projects' means the projects known by the following names or successor names: Document image processing, improved service level, electronic data interchange, interactive system, and integrated system.

~~((2))~~ (2) \$216,000 of the worker and community right-to-know appropriation, \$575,000 of the accident fund appropriation, and \$101,000 of the medical fund appropriation are provided to fund the provisions of House Bill No. 2222 (chapter 380, Laws of 1989). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(3) \$1,430,000 of the public safety and education account—state appropriation is provided solely for the crime victims' compensation fund, pursuant to chapter 3, Laws of 1990.

(4) \$78,000 from the accident fund appropriation and \$78,000 from the medical aid fund appropriation are provided solely to reimburse the legal services revolving fund for increased salary costs of existing attorney general staff.

(5) \$650,000 from the accident fund appropriation and \$650,000 from the medical fund appropriation are provided solely for a health evaluation program within the department to monitor new trends in worker illnesses and injuries.

(6) \$132,000 from the accident fund appropriation and \$23,000 from the medical fund appropriation are provided solely for the Worksafe 90 program, to reduce workplace accidents and illnesses.

Sec. 228, Section 227, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	20,229,000
General Fund Appropriation—Federal	\$	((5,726,000))
		5,988,000
General Fund Appropriation—Local	\$	7,802,000
Total Appropriation	\$	((33,757,000))
		34,019,000

The appropriations in this section are subject to the following conditions and limitations: \$192,000 of the general fund—state appropriation is provided solely for services to treat post-traumatic stress disorder. Of this amount, \$20,000 is provided solely to maximize services to rural and minority veterans.

Sec. 229, Section 228, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation	\$	((74,807,000))
		75,022,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) To the extent feasible, the department shall increase the daily board and room charges authorized under RCW 72.65.050 for work release participants to \$15.00.

(b) \$327,000 of the general fund appropriation is provided solely for polygraph and plethysmograph testing of individuals who have been convicted of a sex offense, and which is required as a condition of their release, as recommended by the governor's task force on community protection.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	((300,806,000))
		313,100,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$556,000 of the general fund appropriation is provided for offender population increases associated with increased penalties for residential burglaries established in Engrossed Senate Bill No. 5233. If the bill is not enacted by June 30, 1989, this amount shall lapse.

(b) \$172,000 of the general fund appropriation is provided solely to accommodate increased prison inmate populations as a result of the increased criminal penalties pursuant to chapter 3, Laws of 1990.

(c) \$678,000 of the general fund appropriation is provided solely for custody and security of civilly committed sexual predators pursuant to chapter 3, Laws of 1990. The sexual predator civil commitment program shall be located at the Twin Rivers corrections center.

(d) \$1,107,000 of the general fund appropriation is provided solely to increase the number of sex offenders receiving treatment in the state correctional system, as recommended by the governor's task force on community protection. Specifically, during the 1989-91 biennium, the department shall expand the existing residential component of the sex offender treatment program from one hundred to two hundred beds, and the day treatment component from seventy to one hundred seventy beds.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	((22,531,000))
		24,081,000
Institutional Impact Account Appropriation	\$	332,000
Total Appropriation	\$	((22,863,000))
		24,413,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$49,000 of the general fund appropriation is provided to develop computer link-ups with the Washington state patrol to permit access to information on offenders, as recommended by the governor's task force on community protection.

(b) \$500,000 of the general fund appropriation is provided for prison impact funding. \$300,000 of this amount is provided for the impact of inmate-family households on local criminal justice and social service resources for the cities of Walla Walla and College Place and the county of Walla Walla. \$100,000 is provided for the impact on local criminal justice resources for the city of Monroe. The remaining funds shall be distributed for prison impacts on local criminal justice services as determined by the department.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation \$ 2,622,000
 Sec. 230. Section 231, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation \$ ~~(27,215,000)~~
 17,991,000

The appropriation in this section is subject to the following conditions and limitations: The plan may enroll up to 25,000 individuals during the 1989-91 biennium.

Sec. 231. Section 233, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State \$ 129,000
 General Fund Appropriation—Federal \$ ~~((162,300,000))~~
 159,308,000

General Fund Appropriation—Local \$ 12,489,000

Administrative Contingency Fund
 Appropriation—Federal \$ ~~((8,953,000))~~
 11,965,000

Unemployment Compensation Administration Fund Appropria-
 tion—Federal \$ 118,169,000

Employment Service Administration Account Appropriation—Fed-
 eral \$ 790,000

Employment Service Administration Account Appropriation—State \$ 6,823,000

Federal Interest Payment Fund Appropriation \$ 2,100,000

Total Appropriation \$ ~~((311,761,000))~~
 311,773,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$152,000 of the administrative contingency fund—federal appropriation and \$2,100,000 of the federal interest payment fund appropriation are provided solely for transfer through interagency agreement to the department of social and health services for family independence program employment services.

(2) The department shall provide job placement services for the department of natural resources' forest land management activities. These services shall include widely disseminating information on the availability of work on state forest lands and information on the procedures for bidding on contracts for such work. Priority for these services shall be given to unemployed individuals who have been employed in the timber industry. The department shall record the number of unemployed timber workers who obtain employment through the department of natural resources' forest land management activities and shall report its findings to the governor and to the appropriate legislative committees on January 1, 1990, and January 1, 1991.

(3) \$228,000 of the administrative contingency fund—federal appropriation is provided solely to implement Substitute House Bill No. 2426 (unemployment insurance overpayments). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(4) \$200,000 of the administrative contingency fund—federal appropriation is provided solely for services to agricultural employers.

(5) \$109,000 of the administrative contingency fund—federal appropriation is provided solely for resource centers for the handicapped.

(6) \$370,000 of the administrative contingency fund—federal appropriation is provided solely for a pilot program integrating drug prevention and job training.

(7) \$160,000 of the administrative contingency fund—federal appropriation is provided solely for a pilot program to retrain rural dislocated timber and wood product workers.

(8) Authority to expend funds for the general unemployment insurance development effort (GUIDE) system is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF HEALTH

General Fund Appropriation \$ 9,367,000

Health Professions Account Appropriation \$ 1,541,000

State Toxics Control Account Appropriation \$ 1,048,000

Medical Test Site Licensure Account Appropriation \$ 244,000

Total Appropriation \$ 12,200,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$130,000 of the general fund appropriation is provided solely to implement the health professional temporary substitute resource pool as required by Second Substitute Senate Bill No. 6418 (rural health care). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(2) \$109,000 of the health professions account appropriation is provided to develop a program to certify sex offender treatment providers pursuant to chapter 3, Laws of 1990.

(3) \$2,576,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 6191 (emergency medical services and trauma care system). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(4) \$120,000 of the general fund appropriation is provided solely to fund the cancer reporting network pursuant to Second Substitute House Bill No. 2077 (state-wide tumor registry). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(5) \$48,000 of the general fund appropriation is provided solely for food transport regulations pursuant to Substitute Senate Bill No. 6164 (food transport regulations). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(6) \$205,000 of the general fund appropriation is provided solely for a chief of health statistics, chief of consumer assistance, and a chief of epidemiology.

(7) \$113,000 of the state toxics control account appropriation is provided solely to implement the provisions of Substitute House Bill No. 2906 (contaminated property). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund appropriation is provided for the costs of the commission on health care cost control and access pursuant to House Concurrent Resolution No. 4443.

NEW SECTION, Sec. 233. Section 236, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is repealed. Any moneys remaining in the 1991 human resources reserve account on the effective date of this act shall be transferred to the general fund.

NEW SECTION, Sec. 234. HOUSING TRUST FUND

General Fund Appropriation \$ 10,000,000

The appropriation in this section is subject to the following conditions and limitations: The treasurer shall deposit the appropriation in the housing trust fund.

PART III

NATURAL RESOURCES

Sec. 301. Section 301, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$	((2,086,000))
		2,286,000
General Fund Appropriation—Federal	\$	((10,832,000))
		12,366,000
General Fund Appropriation—Private/Local	\$	260,000
Geothermal Account Appropriation—Federal	\$	22,000
Building Code Council Account Appropriation	\$	((40,000))
		105,000
Solid Waste Management Account Appropriation	\$	150,000
Energy Code Training Account Appropriation	\$	30,000
Total Appropriation	\$	((13,396,000))
		15,219,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire solid waste management account appropriation is provided solely to implement the energy-related provisions of Engrossed Substitute House Bill No. 1671. ~~((If the bill is not enacted by June 30, 1989, the solid waste management account appropriation is null and void.))~~

(2) ~~\$((153,000))~~ 353,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

Sec. 302. Section 304, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	((59,767,000))
		61,296,000
General Fund Appropriation—Federal	\$	27,024,000
General Fund Appropriation—Private/Local	\$	432,000
Flood Control Assistance Account Appropriation	\$	3,852,000
Special Grass Seed Burning Research Account Appropriation	\$	((41,000))
		81,000
Reclamation Revolving Account Appropriation	\$	474,000
Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$	389,000
Litter Control Account Appropriation	\$	((6,755,000))
		6,830,000
State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	2,627,000
State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of		

1980 (Referendum 39)	\$	((1,187,000)) 1,286,000
State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	1,586,000
Stream Gaging Basic Data Fund Appropriation	\$	((142,000)) 300,000
Vehicle Tire Recycling Account Appropriation	\$	6,494,000
Water Quality Account Appropriation	\$	((2,551,000)) 3,161,000
Wood Stove Education Account Appropriation	\$	((232,000)) 482,000
Worker and Community Right-to-Know Fund Appropriation	\$	285,000
State Toxics Control Account	\$	((26,173,000)) 39,202,000
Local Toxics Control Account	\$	((23,847,000)) 41,328,000
Water Quality Permit Account Appropriation	\$	7,135,000
Solid Waste Management Account Appropriation	\$	5,600,000
Underground Storage Tank Account Appropriation	\$	3,658,000
Hazardous Waste Assistance Account Appropriation	\$	2,317,000
Total Appropriation	\$	((189,251,000)) 215,839,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$344,000 of the general fund—state appropriation is provided solely for costs associated with the development of a single headquarters building.

(2) \$1,010,000 of the general fund—state appropriation is provided solely as an enhancement to the water resources program.

(3) \$250,000 of general fund—state appropriation is provided solely for the initial development of a cost accounting system. Authority to expend these funds is conditioned on compliance with the requirements set forth in section 802 of this act.

(4) ~~((A maximum of \$2,209,000 of the general fund—state appropriation may be expended for the auto emissions inspection and maintenance program. If Engrossed Substitute House Bill No. 1104 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~ In administering the auto emissions inspection and maintenance program, the department shall annually ensure compliance with the intent of RCW 70.120.170(4)(a). The department may expend not more than an amount equal to the amount collected from auto emissions inspections fees during the biennium ending June 30, 1991.

(5) ~~((The entire underground storage tank account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1086. If the bill is not enacted by June 30, 1989, the underground storage tank account appropriation is null and void. In implementing Engrossed Substitute House Bill No. 1086.))~~ In implementing chapter 90.76 RCW, the department shall use, to the greatest extent possible, local government and private sector expertise in meeting installation, closure, testing, and monitoring requirements. In consultation with the Washington pollution insurance program administrator, the department shall implement interim enforcement procedures for chapter 90.76 RCW by December 1, 1990. The interim enforcement procedures shall be consistent with the intent of both chapters 90.76 and 70.148 RCW, and shall be designed to encourage participation in the insurance program.

(6) The entire solid waste management account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation and the amounts provided in subsections (7), (8), and (9) ~~((and (10)))~~ are null and void.

~~((#))~~ (7) \$1,000,000 of the solid waste management account appropriation is provided solely for assisting local governments in establishing the feasibility of food and yard waste composting.

~~((#))~~ (8) \$150,000 of the solid waste management account appropriation is provided solely for pilot projects to recycle disposable diapers.

~~((#))~~ (9) \$1,300,000 of the solid waste management account appropriation is provided solely to implement sections 6(2), 9, 13, 54, 96, 99, 102, and 104 of chapter 431, Laws of 1989 (Engrossed Substitute House Bill No. 1671).

~~((#))~~ (10) \$231,000 of the state toxics control account appropriation is provided solely for the office of waste reduction.

~~((#))~~ (11) \$200,000 of the general fund—state appropriation is provided solely for the purpose of implementing the Nisqually river management plan activities and projects outlined in the Nisqually river council report to the legislature dated December 1988. No more than half of this amount may be spent until twenty percent of the total project costs have been provided as matching funds from private or other government participants represented on the Nisqually river council.

~~((13))~~ (12) \$2,654,000 of the state toxics control account appropriation is contingent on enactment of Engrossed House Bill No. 2168. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

~~((14))~~ (13) \$389,000 of the emergency water project revolving account appropriation is provided solely for drought relief activities. If Substitute Senate Bill No. 5196 is enacted by June 30, 1989, \$321,000 of the amount provided in this subsection may be spent only if a drought order is issued pursuant to section 2, chapter 171, Laws of 1989 (Substitute Senate Bill No. 5196).

~~((15))~~ (14) \$427,000 of the state and local improvement revolving account—water supply facilities (Referendum 38) appropriation is provided solely for the implementation of Substitute House Bill No. 1397. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

~~((16))~~ (15) \$250,000 of the general fund—state appropriation is provided solely for oil and chemical spill activities in implementing legislative requirements regarding damage assessments and vessel financial responsibility.

~~((17))~~ (16) \$70,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). ~~(If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.)~~

~~((18))~~ (17) \$200,000 of the general fund—state appropriation is provided solely for the implementation of chapter 47, Laws of 1988.

(18) A maximum of \$750,000 of the state toxics control account appropriation may be spent for the cleanup of illegal drug labs.

(19) A portion of the state toxics control account appropriation is provided to complete the state hazardous waste planning effort as prescribed in chapter 70.105 RCW. This includes, but is not limited to, evaluation of existing standards, compliance and service, and evaluation of whether facilities are needed.

(20) \$1,200,000 of the general fund—state appropriation is provided solely for the wetlands protection program. Of this amount: (a) \$600,000 is provided solely for grants to local jurisdictions to develop local wetlands protection and management programs on a fifty percent cost-share basis; and (b) \$600,000 is provided solely for the department to develop a wetlands inventory, establish a data management system, and provide technical assistance to local governments in developing wetlands protection programs. The amount provided in (b) of this subsection is contingent on the enactment of Substitute Senate Bill No. 6799 (wetlands preservation). If the bill or substantially similar legislation is not enacted by June 30, 1990, \$600,000 of this amount shall lapse.

(21) The entire hazardous waste assistance account appropriation is provided solely to implement chapter 114, Laws of 1990 (Engrossed House Bill No. 2390, hazardous substances regulations).

(22) \$300,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2932 (water resource management). If the bill is not enacted by June 30, 1990, the hazardous waste assistance account appropriation shall lapse.

(23) \$7,000,000 of the state toxics control account appropriation is provided solely for the following three purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the costs of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

Of the amount provided in this subsection, \$1,500,000 is provided solely for the cleanup of hazardous waste sites resulting from leaking underground storage tanks.

(24) \$200,000 of the water quality account appropriation is provided solely for implementation of Substitute Senate Bill No. 6326 (Puget Sound water quality/shellfish production).

(25) The department's June 1991 FTE staff level shall not exceed the June 1990 staff level by more than 154 FTEs. The money identified as savings from underexpenditures as a result of this subsection shall remain unexpended and shall not be spent for other purposes. If funding is provided for the implementation of a wetlands preservation bill under subsection (20) of this section, the department's June 1991 FTE level may be increased by an additional 7.5 FTEs.

(26) \$250,000 of the wood stove education account appropriation is provided solely for the purpose of implementing chapter 128, Laws of 1990 (Substitute Senate Bill No. 6698, wood stove fee). Beginning July 1, 1990, and each calendar quarter thereafter for the biennium ending June 30, 1991, a portion of the amount provided in this subsection shall be distributed to the activated air pollution authorities created under RCW 70.94.053. The distribution shall be based on a fraction. The numerator of the fraction shall be the population residing within each authority's jurisdiction. The denominator of the fraction shall be total state population. Population figures used to calculate this fraction shall be as determined by the office of financial management. Sixty-six percent of the fees collected under RCW 70.94.483 shall be multiplied by the fraction to determine the quarterly distribution to each activated air authority. In cases

where an activated air authority does not exist, the department shall retain the amount which otherwise would be distributed to an authority. Moneys distributed to authorities and retained by the department may only be used for education and enforcement of the wood stove education program established under RCW 70.94.480.

(27) \$996,000 of the state toxics control account appropriation is provided solely for the implementation of chapter 116, Laws of 1990 (Engrossed Second Substitute Senate Bill No. 2494, oil/hazardous substance spills).

(28) \$268,000 of the state toxics control account appropriation is provided solely to identify and study water quality and public health concerns of the lower Columbia river, from its mouth to Bonneville Dam. Expenditure of this amount is contingent on the signing of an agreement by the department of ecology and the Oregon department of environmental quality. The agreement shall include, at a minimum, the following:

(a) A steering committee consisting of one representative from each state of at least the following: Local government, public ports, industry, environmental groups, Indian tribes, citizens-at-large, and commercial or recreational fishing interests. The steering committee shall also include one representative from the federal environmental protection agency;

(b) A process to incorporate public participation;

(c) A provision to report to the appropriate legislative standing committees on the status of the study on or before December 15 of each year; and

(d) A provision to make recommendations, by December 15, 1990, regarding the creation of an interstate policy body to develop and implement a plan to address water quality, public health, and habitat concerns of the lower Columbia river.

(29) \$29,000 of the general fund—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2929 (growth management). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 303. Section 306, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	((41,132,000)) 41,332,000
General Fund Appropriation—Federal	\$	1,208,000
General Fund Appropriation—Private/Local	\$	822,000
Trust Land Purchase Account Appropriation	\$	((10,542,000)) 11,082,000
Winter Recreation Parking Account Appropriation	\$	348,000
ORV (Off-Road Vehicle) Account Appropriation	\$	173,000
Snowmobile Account Appropriation	\$	((963,000)) 1,143,000
Public Safety and Education Account Appropriation	\$	10,000
Motor Vehicle Fund Appropriation	\$	1,100,000
Total Appropriation	\$	((56,298,000)) 57,218,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$60,000 of the general fund—state appropriation is provided solely for a contract with the marine science center at Fort Worden state park.

(2) \$1,100,000 of the general fund—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5372 (recreational boating). ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(3) \$200,000 of the general fund—state appropriation is provided solely to meet the state parks and recreation commission responsibilities under the Suquamish Indian tribe and Point-No-Point treaty council shellfish management agreements.

(4) The commission shall prepare an updated plan for Fort Worden management and development. In updating the plan the commission shall: (a) Reevaluate the goals and objectives of the park, (b) examine current functions of the park including camping, day use, recreation activities, vacation housing, the conference center, and cultural arts programs, (c) determine how to provide reasonable opportunities for use of existing park facilities for all members of the public, and (d) propose alternatives to the current management approach. The commission shall submit the results to the appropriate committees of the legislature by October 1, 1990.

Sec. 304. Section 307, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account Appropriation—State	\$	((1,900,000)) 1,920,000
Outdoor Recreation Account Appropriation—Federal	\$	26,000
Total Appropriation	\$	((1,926,000)) 1,946,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$63,000 of the outdoor recreation account—state appropriation is provided solely for a state-wide needs assessment and action plan for land acquisition for long-term outdoor recreation, wildlife, and conservation purposes. The agency shall oversee the preparation of the needs assessment and action plan and it may contract with a nonprofit organization representing these interests, subject to a requirement that private matching funding on a one-for-one basis be provided. The agency members of the interagency committee shall participate in the formulation of the plan and shall provide relevant information as needed. The report and plan shall be submitted to the legislature by January 15, 1990.

(2) \$20,000 of the outdoor recreation account—state appropriation is provided solely for an assessment of operation and maintenance needs of state-owned habitat and natural areas, parks, and other state-owned recreational sites. The study shall include recommendations of funding options to meet identified needs. The agency may contract for the study with a nonprofit organization, subject to the requirement that private matching funds be provided on a one-to-one basis. The agency members of the interagency committee shall participate in the study and provide relevant information as needed. The study and recommendations shall be submitted to the legislature by December 15, 1990.

Sec. 305. Section 308, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	(901,000)
		959,000

Sec. 306. Section 309, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	((30,000,000))
		31,268,000
Motor Vehicle Fund Appropriation	\$	553,000
Solid Waste Management Account Appropriation	\$	312,000
Public Facility Construction Loan Revolving Fund Appropriation	\$	900,000
Total Appropriation	\$	((30,933,000))
		33,033,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$450,000 of the general fund appropriation is provided solely for the purpose of implementing either Engrossed Second Substitute Senate Bill No. 5339 or Engrossed Substitute House Bill No. 1553. If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse. In addition:

(a) The department shall spend the amount provided in this subsection solely for development of programs to be administered by the Washington economic development finance authority (the 'authority') and shall not spend any amount for implementation or administration of the programs.

(b) On or before January 8, 1990, the department shall submit to the house of representatives appropriations committee and the senate ways and means committee a plan outlining how state employees and state resources are expected to be used with respect to the authority and describing procedures under which the lending of credit provisions of the state Constitution will be observed.

(c) The amount provided in this subsection is intended to be a one-time appropriation from state-revenue sources to support the initial development of programs of the Washington economic development finance authority.

(d) No state funds from state revenue sources and no state funds from federal revenue sources, except federal revenue sources provided expressly for the authority or its programs may be used for a reserve fund for the authority's programs, and no public funds subject to either appropriation or allotment control may be used for a reserve account without prior consultation with the house of representatives appropriations committee and the senate ways and means committee.

(2) \$350,000 of the general fund appropriation is provided solely for the Washington marketplace program as provided for in Second Substitute House Bill No. 1476. ~~((If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.))~~

(3) \$550,000 of the general fund appropriation is provided solely for the department to develop and implement a business and job retention program as follows:

(a) The program shall provide technical assistance to firms and workforces in which there is a risk of plant closure, mass layoff, or business failure. This technical assistance shall include turn-around assistance to firms at risk of closure to identify management activities and other actions, including diversification, that would permit continued operation. The department may contract for specialized services to provide turn-around assistance.

(b) The department shall establish a business and job retention advisory committee. The governor shall appoint eight members of whom four shall be from business and four from labor. The directors, or their designees, of the departments of trade and economic development, community development, financial management, revenue, and employment security

shall serve as ex officio members of the committee. The president of the senate and the speaker of the house of representatives shall each appoint one member from each of the major caucuses to serve as ex officio members of the committee.

(c) The department shall select, in consultation with the advisory committee, locally based development organizations to undertake local business and job retention activities. Such local activities shall include the identification of firms in which there is a risk of plant closure, mass layoff, or business failure; initial assessment of firms and their workforces; the provision of technical assistance; and referrals for additional resources. A maximum of \$275,000 of the appropriation may be expended for contracts with locally based development organizations for local business and job retention activities.

(d) The department, in consultation with the advisory committee, shall provide grants to study the feasibility of various options for continuing or renewing the operation of industrial facilities that are threatened with closure or that have already closed. Grants shall also be made for proposals to implement a system to identify firms at risk of closure, layoff, or relocation. Grants may not exceed \$35,000 and may be made to: Local governments, ports, local associate development organizations, local labor organizations, or local nonprofit community organizations. The department may require that grant money be matched at least dollar for dollar with nonstate money.

(e) The department shall establish an early warning program within the business and job retention program. The program shall obtain information currently available within state agencies to identify firms and industrial facilities at risk of closure, consistent with the confidentiality requirements of chapter 50.13 RCW.

(4) \$150,000 of the general fund appropriation is provided solely for the targeted sectors program as provided for in Engrossed Substitute House Bill No. 2137. If the bill is not enacted by June 30, 1989, the amount in this subsection shall lapse.

(5) \$200,000 of the general fund appropriation is provided solely for the Washington village project. No portion of this amount may be expended unless matched by an equal portion of nonstate money.

(6) \$700,000 of the general fund appropriation is provided solely for tourism enhancement. Of this amount: (a) \$400,000 is provided solely for market research and analysis; (b) \$175,000 is provided solely for tourism facility development to encourage private sector development in Washington tourism facilities; (c) \$25,000 is provided solely for the development of a tourism advisory committee; and (d) \$100,000 is provided solely for additional staff and costs associated with the film and video division within the department.

(7) \$1,614,000 of the general fund appropriation is provided solely for the Tri-Cities diversification program. This amount is intended to be the final state contribution toward Tri-Cities diversification. Of this amount:

(a) \$331,000 is provided solely for the department of agriculture, by interagency agreement, for continuation of its contractual relationship with TRIDEC and for development of local diversification agricultural projects;

(b) \$206,000 is provided solely for the department of community development, by interagency agreement, for social service impact mitigation, and for loan packaging assistance;

(c) \$260,000 is provided solely for transfer to the employment security department, by interagency agreement, for a state-funded employment and training project;

(d) \$250,000 is provided solely for transfer to the employment security department, by interagency agreement, for public works related employment;

(e) \$383,000 is provided solely for contracts with local organizations for specific diversification projects;

(f) \$184,000 is provided solely for necessary staff to implement and coordinate the Tri-Cities diversification program.

(8) \$367,000 of the general fund appropriation is provided solely for the purpose of implementing a timber industrial extension service. The department shall provide technical and financial assistance to businesses for the purpose of identifying new markets, developing new technologies and products, and assisting production and marketing efforts. This program shall provide specialized expertise on issues affecting forest products companies, including the provision of assistance to firms experiencing supply problems, and shall provide industry perspective on proposed state and federal policies and programs impacting the forest industry. The department may contract for services provided under this chapter.

(9) \$8,195,000 of the general fund appropriation is provided solely for the Washington high technology center.

(10) \$305,000 of the general fund appropriation is provided solely for the center for international trade in forest products (CINTRAFOR).

(11) The general fund appropriation in this section includes moneys for higher education salary increases for the Washington high technology center and CINTRAFOR in the manner provided in section 601 of this act.

(12) It is the intent of the legislature that the department shall continue to provide grants of at least current level amounts to associate development organizations located in counties of at least classes three through eight.

(13) \$400,000 may be allocated to the Washington research foundation. The state auditor shall conduct an audit of the foundation by December 1, 1989.

(14) \$150,000 of the general fund—state appropriation is provided solely for the department to provide technical assistance and staff support for the Lady Washington Pacific Expedition to the Far East.

(15) \$400,000 of the general fund—state appropriation is provided solely for development of a program designed to promote market opportunities, particularly value-added timber processing, for wood products firms in timber-dependent communities. The department shall submit a progress report to the house of representatives appropriations committee and the senate ways and means committee by December 1, 1990.

(16) \$75,000 of the general fund—state appropriation is provided solely for a contract with the Tacoma world trade center for the development and operation of a program to enhance export opportunities for Washington business.

(17) \$200,000 of the public facility construction loan revolving fund appropriation is provided solely for transfer to the department of community development to implement a self-employment loan program as provided under Engrossed Substitute House Bill No. 2929 (growth management).

(18) \$200,000 of the public facility construction loan revolving fund appropriation is provided solely to create an industrial competitiveness program, as provided in Engrossed Substitute House Bill No. 2929 (growth management).

(19) \$100,000 of the public facility construction loan revolving fund appropriation is provided solely for transfer to the department of community development for technical assistance through the department's local development matching fund program, as provided in Engrossed Substitute House Bill No. 2929 (growth management).

(20) \$50,000 of the general fund—state appropriation is provided solely to fund the operation of a service delivery task force as provided in Engrossed Substitute House Bill No. 2929 (growth management).

(21) \$150,000 of the general fund—state appropriation is provided solely to establish rural-urban linkages among businesses under the marketplace program.

(22) \$150,000 of the general fund—state appropriation is provided solely for local economic development service organizations under Engrossed Substitute House Bill No. 2929 (growth management). Of this amount: (a) \$100,000 is provided for the department to provide training for associate development organizations; and (b) \$50,000 is provided for staff support. If Engrossed Substitute House Bill No. 2929 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(23) \$100,000 of the general fund—state appropriation is provided solely for business network grants through the business assistance center as provided in Engrossed Substitute House Bill No. 2929 (growth management). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(24) \$200,000 of the public facility construction loan revolving fund appropriation is provided solely for transfer to the department of community development to establish a council on rural revitalization, within the department, to oversee four pilot revitalization projects in rural communities.

(25) \$200,000 of the public facility construction loan revolving fund appropriation is provided solely for transfer to the department of community development to implement Engrossed Substitute House Bill No. 2706 (economic diversification).

(26) \$45,000 of the general fund—state appropriation is provided solely for the department to conduct an evaluation of the Washington technology center.

(27) \$80,000 of the general fund—state appropriation is provided solely for the department to contract with the department of community development for development of an econometric model, after consultation with the department of revenue, to analyze the economic impact of sports facilities and events. The department shall develop an application process for requests for state funding for these facilities and events. The department shall establish an advisory committee to review this process that includes representatives from the: (a) Department of revenue; (b) department of trade and economic development; (c) fiscal committees of the house of representatives and ways and means committee of the senate; (d) office of financial management; and (e) trade and economic development committee of the house of representatives and the senate economic development and labor committee. The department shall report to the legislature on these activities by January 1991.

Sec. 307. Section 313, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES	
General Fund Appropriation—State	\$ ((54,022,666)) 55,850,000
General Fund Appropriation—Federal	\$ ((16,496,666)) 16,700,000
General Fund Appropriation—Private/Local	\$ ((5,284,666)) 7,727,000

Aquatic Lands Enhancement Account Appropriation	\$	1,076,000
Total Appropriation	\$	(76,878,000) 81,353,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$320,000 of the general fund—state appropriation is provided so that patrol officers, in the course of duty, emphasize vessel registration.

(2) \$100,000 of the general fund—state appropriation is provided solely for monitoring of Navy homeport dredging and dumping.

(3) \$250,000 of the general fund—state appropriation is provided solely for a grant for shellfish studies to the sea grant program at the University of Washington.

~~((6))~~ (4) \$1,810,000 of the general fund—state appropriation is provided solely for recreational salmon enhancement projects.

~~((6))~~ (5) \$41,000 of the general fund—state appropriation is provided to implement Substitute Senate Bill No. 5174 (state hydropower plan).

(6) \$1,480,000 of the general fund—state appropriation is provided solely for attorney general costs, including related support costs and expert witness fees, on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission, in defending the state and public interests in tribal shellfish litigation (U.S. v. Washington, subproceeding 89-3). The attorney general's costs shall be paid as an interagency reimbursement.

(7) \$90,000 of the general fund—state appropriation is provided solely to meet the department's responsibilities under the Suquamish Indian tribe, Point-No-Point treaty council, and Indian Island Navy shellfish management agreements.

(8) \$211,000 of the general fund—state appropriation is provided solely to fund an investigation of the nuclear inclusion X (NIX) virus as it relates to the state's razor clam population.

Sec. 308, Section 314, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation	\$	(9,385,000) 9,687,000
ORV (Off-Road Vehicle) Account Appropriation	\$	265,000
Aquatic Lands Enhancement Account Appropriation	\$	1,081,000
Public Safety and Education Account Appropriation	\$	566,000
Wildlife Fund Appropriation—State	\$	(41,441,000) 42,314,000
Wildlife Fund Appropriation—Federal	\$	(15,717,000) 15,608,000
Wildlife Fund Appropriation—Private/Local	\$	2,135,000
Game Special Wildlife Account Appropriation	\$	(465,000) 503,000
Total Appropriation	\$	(71,056,000) 72,159,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$45,000 of the general fund appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan). ~~((If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(2) ~~\$((66,000))~~ 220,000 of the general fund appropriation is provided solely ((for contracting)) for fire protection and suppression costs on agency lands. Of this amount: (a) \$95,000 is provided solely for contracting for fire protection; (b) \$125,000 is provided solely to cover the actual cost of fire suppression activities.

(3) \$100,000 of the wildlife fund appropriation—state is provided solely for a study of the impact of elk in the Blue Mountains.

(4) \$186,000 of the wildlife fund—state appropriation is provided solely for an elk control plan in the Blue Mountains.

(5) \$80,000 of the wildlife fund—state appropriation is provided solely to implement chapter 110, Laws of 1990 (Second Substitute Senate Bill No. 5845, fish enhancement).

(6) \$125,000 of the general fund appropriation and \$125,000 of the wildlife fund—state appropriation are provided solely for a cooperative effort with the department of agriculture for the control and eradication of purple loosestrife, including surveys, research, and public education.

(7) \$250,000 of the wildlife fund—state appropriation is provided solely for an inventory of critical wildlife habitat.

(8) \$25,000 of the general fund appropriation and \$25,000 of the wildlife fund—state appropriation are provided solely for a demonstration project to develop a wildlife mitigation plan for private and public lands in the Lake Roosevelt area. The department shall create a

steering committee consisting of representatives of local private landowners, local governments, tribes, hunters, fishers, and other users of wildlife in the Lake Roosevelt area. The committee shall study and report to the department on issues related to the development of the Lake Roosevelt plan including, but not limited to, local government impact, wildlife species, needs of wildlife users, other recreational needs, land use regulations, and wildlife supply.

Sec. 309. Section 315, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	((44,540,000))
		<u>46,192,500</u>
General Fund Appropriation—Federal	\$	639,000
General Fund Appropriation—Private/Local	\$	12,000
ORV (Off-Road Vehicle) Account Appropriation—Federal	\$	3,266,000
Geothermal Account Appropriation—Federal	\$	16,000
Forest Development Account Appropriation	\$	((23,074,000))
		<u>23,517,000</u>
Survey and Maps Account Appropriation	\$	((860,000))
		<u>1,090,000</u>
Natural Resources Conservation Area Stewardship Account Approp- riation	\$	364,000
Aquatic Lands Enhancement Account Appropriation	\$	635,000
Landowner Contingency Forest Fire Suppression Account Appropria- tion	\$	2,119,000
Resource Management Cost Account Appropriation	\$	((60,432,000))
		<u>69,577,000</u>
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	((206,000))
		<u>536,000</u>
State Toxics Control Account Appropriation	\$	<u>399,000</u>
Total Appropriation	\$	((144,243,000))
		<u>148,362,500</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,654,000 of the general fund—state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,297,000, of which \$372,000 is from the general fund—state appropriation, \$1,448,000 is from the resource management cost account appropriation, and \$477,000 is from the forest development account appropriation, is provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 802 of this act. For the purposes of this section, information systems projects shall mean the projects known by the following name or successor names: Department of natural resources revenue system.

(3) \$110,000 from the general fund—state appropriation is provided solely for a fire investigator.

(4) \$1,500,000 of the general fund—state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(5) \$400,000 of the aquatic lands enhancement account appropriation is provided solely for conducting an inventory of state wetlands.

(6) \$122,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural area preserves.

(7) \$242,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural resources conservation areas.

(8) No portion of these appropriations may be expended for spreading sludge on state trust lands without first completing an environmental impact statement with respect to the sludge spreading operations. \$75,000 of the resource management cost account appropriation is provided solely for the costs of the environmental impact statement performed pursuant to this subsection.

(9) The department shall contract for labor-intensive forest land management activities in areas of the state adversely impacted by reductions in timber sales from federal lands. Contracts provided for under this section shall be in addition to and shall not supplant or displace activities normally administered by the department. The department shall, to the extent feasible, offer the additional contracts in sizes that do not discourage participation by small enterprises. The department shall cooperate with the employment security department in disseminating information on forest land management contracts to unemployed individuals who have been employed in the timber industry, and others adversely affected by reductions

in timber sales from federal lands. \$2,800,000 of the resource management cost account appropriation is provided solely for this purpose.

(10) \$125,000 of the general fund—state appropriation is provided solely to implement Engrossed Senate Bill No. 5364 or Engrossed House Bill No. 1249 (marine debris).

(11) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

(12) The department of natural resources, in cooperation with the United States forest service, other federal agencies, private timber land owners, and the University of Washington, shall conduct a timber and timber land inventory to provide the information needed to prepare an assessment of the timber supply in Washington state. The inventory shall be prepared in such a way that it may be updated periodically. The inventory shall include all state, private, county, federal, and commercial forest lands and shall include estimates on the acreage and volumes of timber withdrawn from harvest from lands such as parks, watersheds, and similar lands reserved for nontimber producing activities. \$1,000,000, of which \$750,000 is from the general fund—state appropriation, \$75,000 is from the forest development account appropriation, and \$175,000 is from the resource management cost account appropriation, are provided solely for the purposes of this subsection.

(13) \$163,000 of the general fund—state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for a timber supply study. The study shall identify the quantity of timber present now and quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(14) \$1,351,000, of which \$608,000 is from the general fund—state appropriation, \$324,000 is from the forest development account appropriation, and \$419,000 is from the resource management cost account appropriation, is provided solely for costs related to forestry camp No. 1.

(15) \$6,500 of the general fund—state appropriation is provided solely to provide additional resources to subsidize amateur radio repeaters on trust lands.

(16) The department of natural resources shall sell approximately 800 acres of undeveloped land at the Northern State multiservice center to Skagit county. The land shall be sold at fair market value, but not less than \$833,000. Proceeds of the sale shall be deposited in the charitable, educational, penal and reformatory institutions account. The sale of the land shall be conditioned on the permanent dedication of the land for public recreational uses, which may include fairgrounds.

NEW SECTION, Sec. 310. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation \$ 7,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the purchase, including related administrative costs, of forest lands suitable for sustainable commercial forestry in areas: (a) in danger of being parceled or converted to nonforest uses; (b) where state acquisition is the most prudent means of retaining such lands in forest uses; and (c) where there is potential for multiple use of the lands consistent with RCW 79.68.050.

(2) Up to twenty-five percent of the revenue from the lands purchased under this section, as determined by the board of natural resources, may be deposited in the forest development account to reimburse the forest development account for expenditures from the account for the management of the lands.

(3) The remainder of the revenue from the lands purchased under this section shall be deposited in the community college forest reserve account hereby created in the state treasury. Moneys in the account may be appropriated by the legislature exclusively for the capital construction needs of the state community college system.

NEW SECTION, Sec. 311. FOR TIMBER LAND PURCHASES AND COMMON SCHOOL CONSTRUCTION

General Fund Appropriation \$ 100,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,000,000 of this appropriation is provided to the state parks and recreation commission solely to acquire common school trust lands that have been identified in the commission's 1989 agreement with the department of natural resources as appropriate for state park use.

(2) The remainder of the appropriation shall be deposited in the school construction revolving fund, hereby created in the custody of the state treasurer. Funds shall be expended, without further appropriation, by the department of natural resources to acquire, in fee simple, common school trust lands lying west of the crest of the Cascade mountain range. Timber on

these lands shall be commercially unsuitable for harvest due to economic considerations, good forest practices, or other interests of the state.

(3) Lands and timber purchased under this section shall be appraised and purchased at fair market value. The proceeds from the sale of the timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands except that no deduction shall be made for the resource management cost account under RCW 79.64.040. The proceeds from the sale of the land under subsection (2) of this section shall be used by the department to acquire timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

(4) The department shall attempt to maintain an aggregate ratio of 92:8 timber-to-land value in these transactions.

(5) Intergrant transfers, between common school and noncommon school trust lands of equal value, may occur, if the noncommon school trust land meets the criteria established by the department for selection of sites and if the exchange is in the interest of both trusts.

(6) Lands and timber purchased under subsection (2) of this section shall be managed under chapter 79.70 or 79.71 RCW as determined by the department of natural resources.

Sec. 312. Section 317, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	((18,780,000))
		<u>19,263,000</u>
General Fund Appropriation—Federal	\$	((795,000))
		<u>995,000</u>
State Toxics Control Account Appropriation	\$	((299,000))
		<u>699,000</u>
Total Appropriation	\$	((19,874,000))
		<u>20,957,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Authority to expend funds from any source for AIM 2000, the agency information system, is conditioned on compliance with section 802 of this act.

(2) \$1,624,000 of the general fund—state appropriation is provided solely for the implementation of House Bill No. 2222 regarding the regulation of agricultural chemicals. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$1,224,000 of the amount provided in this subsection shall be supported by increased fees deposited into the general fund in accordance with chapter 15.58 RCW.

(3) \$50,000 of the general fund—state appropriation is provided solely for a survey of apple maggot infestation in northwest Washington counties.

(4) \$66,000 of the general fund—state appropriation is provided solely to implement chapter 202, Laws of 1990 (Engrossed Senate Bill No. 6164, food transport).

(5) \$200,000 of the general fund—state appropriation is provided solely to match an equal amount of federal funds for predator control efforts. The department shall report to the house of representatives appropriations committee and the senate ways and means committee by January 1, 1991, evaluating the effectiveness of the predator control measures implemented under this subsection.

Sec. 313. Section 318, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account Appropriation	\$	((22,119,000))
		<u>22,169,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$3,453,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. Of this amount, the center shall not expend more than is projected to be received from revenue generated by the special excise tax that is deposited in the state convention and trade center operations account under RCW 67.40.090(3). Projections of such revenue shall be as determined and updated by the department of revenue.

Sec. 314. Section 19, chapter 383, Laws of 1989 (uncodified) is amended to read as follows:

The sum of ~~((four hundred))~~ nine hundred thirty-six thousand dollars, or as much thereof as may be necessary, is appropriated from the pollution liability reinsurance program trust account to the Washington pollution liability reinsurance program for the biennium ending June 30, 1991 ~~((to carry out the purposes of this act)).~~

PART IV
TRANSPORTATION

Sec. 401. Section 401, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund Appropriation—State	\$	((25,718,000))
		<u>26,037,000</u>

General Fund Appropriation—Federal	\$	161,000
General Fund Appropriation—Private/Local	\$	164,000
Death Investigations Account Appropriation	\$	24,000
State Patrol Highway Account Appropriation	\$	364,000
Total Appropriation	\$	(26,667,666) 26,750,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The staff of the Washington state patrol crime laboratory shall not provide tests for marijuana to cities or counties except: ~~((+))~~ (a) To verify weight for criminal cases where weight is a factor, or ~~((+))~~ (b) for criminal cases that the prosecuting attorney and field administrator of the crime laboratory agree are likely to go to trial.

(2) \$143,000 of the general fund—state appropriation is provided solely to establish and maintain a central computerized registry of convicted adult and juvenile sex offenders pursuant to chapter 3, Laws of 1990.

(3) \$42,000 of the general fund—state appropriation is provided solely to conduct background checks of specified certificated school employees pursuant to chapter 3, Laws of 1990.

(4) \$250,000 of the state patrol highway account appropriation is provided solely for the bicycle awareness program. It is the intent of the legislature that the bicycle awareness program reach the maximum feasible number of children in grades kindergarten through six. These funds shall not be used to supplant existing funds currently allotted for those efforts.

(5) \$65,000 of the state patrol highway account appropriation is provided solely for the acquisition of commercial vehicle enforcement portable scales.

(6) \$49,000 of the state patrol highway account appropriation is provided solely for the department of general administration motor vehicle fleet assessment.

Sec. 402. Section 402, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	(19,349,666) 21,833,000
Architects' License Account Appropriation	\$	(683,666) 809,000
Cemetery Account Appropriation	\$	(157,666) 158,000
Health Professions Account Appropriation	\$	(15,959,666) 15,122,000
Medical Disciplinary Account Appropriation	\$	1,586,000
Professional Engineers' Account Appropriation	\$	(1,527,666) 1,853,000
Real Estate Commission Account Appropriation	\$	(5,683,666) 6,302,000
Total Appropriation	\$	(43,964,666) 47,663,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If uniform commercial code filing fees are increased such that the increase is expected to yield at least \$1,000,000 in additional revenues, then up to \$1,000,000 of the general fund—state appropriation may be expended for department purposes.

(2) If any of the following bills are not enacted by June 30, 1989, a corresponding amount, shown below, from the health professions account appropriation shall lapse:

House Bill No. 1896	\$	9,000
House Bill No. 2126	\$	42,000

(3) Of the general fund—state appropriation, the following amounts are provided solely for the purposes of the following bills. The general fund shall be reimbursed by June 30, 1991, through an assessment of fees sufficient to cover all costs associated with enacting the purposes of the following legislation. If any of the following bills is not enacted by June 30, 1989, a corresponding amount, shown below, from the general fund—state appropriation in this section shall lapse:

House Bill No. 1096	\$	130,000
Engrossed House Bill No. 1917	\$	450,000
Substitute Senate Bill No. 5085	\$	153,000

(4) Authority to expend funds for the licensing application migration project (LAMP) is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

NEW SECTION. Sec. 403. A new section is added to chapter 6, Laws of 1989 1st ex. sess. to read as follows:

FOR THE AIR TRANSPORTATION COMMISSION

Transportation Fund	\$	275,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to implement sections 40 through 44 of Senate Bill No. 6408.

PART V
EDUCATION

Sec. 501. Section 501, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$	((19,774,000)) 19,929,000
General Fund Appropriation—Federal	\$	9,074,000
Public Safety and Education Account Appropriation	\$	409,000
Total Appropriation	\$	((29,257,000)) 29,412,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$336,000 of the general fund—state appropriation is provided solely for the continuation of the international education and teacher exchange programs.

(3) \$19,000 of the general fund—state appropriation is provided solely for the continuation of the environmental education program.

(4) \$54,000 of the general fund—state appropriation is provided solely for Hispanic drop-out prevention and retrieval.

(5) \$200,000 of the general fund—state appropriation is provided solely for purchase and dissemination to school districts of innovative or multicultural curriculum materials, and for training to implement innovative curricula such as a schools and architecture program. The superintendent of public instruction shall select materials based on unusual potential for stimulating new instructional methods, student interest and understanding of academic subjects, or cultural and ethnic awareness.

(6) ~~\$(25,000))~~ 50,000 of the general fund—state appropriation is provided solely for continued development of educational outcomes measures and field testing in local school districts, including: Development of a model writing assessment program at three grade levels; definitions of measurements for academic skills and mastery of key curriculum concepts; a follow-up survey of high school graduates; uniform reporting forms for data collection and display; and an instrument for identifying successful schools. In performing these activities, the superintendent shall consult with an advisory committee on outcomes-based education, comprising one representative of each of the selected field test projects, one representative of each twenty-first century schools project that has selected the outcomes measures as its evaluative tool, and two members who participated in the temporary committee on the assessment and accountability of educational outcomes.

(7) \$300,000 of the general fund—state appropriation is provided solely to implement Second Substitute Senate Bill No. 5835 establishing an energy information program for use in local school districts.

(8) \$100,000 of the general fund—state appropriation is provided solely for the development of an informational brochure on enrollment options. The brochure shall be distributed to local school districts for dissemination to parents and students.

Sec. 502. Section 502, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	((4,323,885,000)) 4,340,690,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(414,003,000))~~ 419,407,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) Allocations for certificated staff salaries for the 1989-90 and 1990-91 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under ~~((d) and))~~ (e) and (f) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under ~~((d) and))~~ (e) and (f) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under ~~((e))~~ (d) through ~~((f))~~ (g) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 510 of this act;

(ii) Fifty-one certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve, excluding full time equivalent handicapped students ages nine and above;

(b) For the 1990-91 school year, an additional 1.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight;

(c) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

((e)) (d)(i) On the basis of full time equivalent enrollment in vocational education programs approved by the superintendent of public instruction, other than skills center programs, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 17.5 full time equivalent vocational students (-except that) in the 1989-90 school year and for each 17.075 full time equivalent students in the 1990-91 school year;

(ii) For skills center programs the allocation ratios shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

((f)) (e) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

((g)) (f) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

((h)) (g) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under ((f)) (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

((i)) (h) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

((j)) (i) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1989-90 and 1990-91 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) ~~((c))~~ ~~((d))~~ ~~((e))~~ through ~~((f))~~ ~~((g))~~ ~~((h))~~ ~~((i))~~ of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.80 percent in the 1989-90 school year and 19.85 percent in the 1990-91 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.32 percent in the 1989-90 school year and 17.37 percent in the 1990-91 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), (c), and ~~((d))~~ ~~((e))~~ through ~~((f))~~ ~~((g))~~ ~~((h))~~ ~~((i))~~ of this section, there shall be provided a maximum of \$6,355 per certificated staff unit in the 1989-90 school year and a maximum of \$6,654 per certificated staff unit in the 1990-91 school year.

(b) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2) ~~((c))~~ ~~((d))~~ of this section, there shall be provided a maximum of \$12,110 per certificated staff unit in the 1989-90 school year and a maximum of \$12,679 per certificated staff unit in the 1990-91 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$290 per year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1987-88 school year.

(8) The superintendent may distribute a maximum of \$9,925,000 outside the basic education formula during fiscal years 1990 and 1991 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$358,000 may be expended in fiscal year 1990 and a maximum of \$375,000 in fiscal year 1991.

(b) For summer vocational programs at skills centers, a maximum of \$1,321,000 may be expended in fiscal year 1990 and a maximum of \$1,599,000 may be expended in fiscal year 1991.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(d) A maximum of \$6,000,000 is provided solely for the purchase of new and replacement vocational education equipment for use primarily in approved vocational-secondary and skill center programs. These moneys shall be allocated to school districts during the 1989-90 school year on the basis of full time equivalent enrollment in vocational programs.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 6.07 percent from the 1988-89 school year to the 1989-90 school year, and ~~((5-74))~~ 7.0 percent from the 1989-90 school year to the 1990-91 school year.

(10) (a) The superintendent of public instruction shall revise personnel reporting systems to include information on grade level assignments of basic education certificated instructional staff, by grade level groupings of K-3, 4-6, and 7-12. The superintendent of public instruction shall collect such information from school districts beginning in the 1989-90 school year. School districts may submit supplemental information on changes in staffing levels after the initial personnel report for each school year. Staffing ratios calculated under this subsection may recognize additional staff reported, prorated by the number of months of employment during the academic year.

(b) For each school year, the funding provided under subsection (2)(a) of this section shall be based on a ratio of fifty-one certificated instructional staff per thousand students in kindergarten through grade three only if the district documents an actual ratio of at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students at those grade levels. For any school district documenting a lower ratio, the funding provided under this section shall be based on the district's actual K-3 ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.41.140(2)(c), if greater.

(c) School districts that had a ratio of fifty-one basic education certificated instructional staff per thousand students in kindergarten through grade three in the 1988-89 school year shall expend additional funding generated by the increase in staffing ratios provided in this section solely to improve staffing ratios in kindergarten through grade twelve.

(11) School districts shall use allocations for salaries and benefits generated under subsection (2)(b) of this section only to increase the district's ratio of basic education certificated instructional staff per thousand full time equivalent students in grades K-3 above fifty-one per thousand, or to employ classified instructional assistants assigned to K-3 basic education classrooms. However, a district that has achieved a ratio of fifty-three basic education certificated instructional staff per thousand full time equivalent students in grades K-3 may also use the allocation to employ additional basic education certificated instructional staff or classified instructional assistants in any grades K-12. School districts shall document to the superintendent of instruction how the allocation was used and shall submit documentation on the number of classified instructional assistants employed in grades K-3 in the 1989-90 and 1990-91 school years. If a district uses moneys provided under subsection (2)(b) of this section for K-3 certificated instructional staff, these staff shall be excluded when determining the district's actual K-3 staffing ratio under subsection (10) of this section. A district shall be ineligible to receive allocations under subsection (2)(b) of this section unless the district documents to the superintendent of public instruction that its actual K-3 ratio under subsection (10) of this section for the 1990-91 school year is at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students. Districts may not use allocations provided under this subsection to supplant other moneys previously used to employ K-3 certificated instructional staff or K-3 classified instructional assistants. The superintendent of public instruction shall recover funding allocated under subsection (2)(b) of this section if the district does not submit documentation showing that the funding was used for the purposes specified.

(12) The additional moneys allocated due to the increase in the vocational-secondary staff ratio provided in subsection (2)(d) of this section shall be expended solely for expanded vocational-secondary programs approved by the superintendent of public instruction. Funds provided may be expended for extended day contracts. The percentage rate of indirect charges to vocational-secondary programs, in total, shall not exceed the state-wide average percentage rates of indirect charges in all other state-funded categorical programs.

NEW SECTION, Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SUPPLIES, MATERIALS, AND EQUIPMENT

General Fund Appropriation \$ 43,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(2) \$38,000,000 is provided solely for the purchase of nonconsumable instructional supplies, equipment, books, and nonconsumable materials. The superintendent of public instruction shall allocate funds in fiscal year 1991 based on the full time equivalent enrollment in kindergarten through grade twelve. These funds shall not be used for supplemental contracts under RCW 28A.58.0951(4). A district receiving funds from this amount shall not reduce or supplant its current level of expenditure for supplies, equipment, or materials. From this amount, school districts are encouraged to maximize allocations provided directly to each school building, allowing school building-level staff to decide the use of the moneys and the specific items purchased.

(3) \$5,000,000 is provided solely for the purchase of new and replacement vocational-education equipment in fiscal year 1991 for use primarily in approved vocational-secondary and skill center programs. These moneys shall be allocated to school districts during the 1991 fiscal year on the basis of full time equivalent enrollment in vocational programs.

Sec. 504. Section 503, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ ((196,128,000))
221,451,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12 by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1.

(b) Salary allocations for certificated administrative staff units and classified staff units shall be determined for each district by the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12.

(2)(a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of this section, 'basic education certificated instructional staff' is defined as provided in RCW 28A.41.110.

(c) 'LEAP Document 1' means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) 'LEAP Document 1R' means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed on ~~((May 7, 1989))~~ March 29, 1990, at 11:00 hours.

(e) 'LEAP Document 12' means the computerized tabulation of 1988-89 salary allocations for basic education certificated administrative staff and basic education classified staff and 1988-89 derived base salaries for basic education certificated instructional staff as developed on April 20, 1989, at 14:15 hours.

(f) The incremental fringe benefits factors applied to salary increases in this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(3) ~~\$(7,492,000))~~ 7,517,000 is provided solely to increase allocations for certificated administrative staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each certificated administrative staff unit shall be increased by 2.5 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(4) ~~\$(27,903,000))~~ 30,396,000 is provided solely to increase allocations for classified staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each classified staff unit shall be increased by 4.0 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school year, the allocation for each classified staff unit shall be further increased by an additional ~~((3+2))~~ 4.16 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(5) ~~\$(166,733,000))~~ 183,538,000 is provided solely to increase allocations for certificated instructional staff units provided under section 502 of this act, pursuant to this subsection:

(a) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1989-90 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (6) of this section, adjusted for incremental fringe benefits.

(b) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by 4.0 percent of the district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits.

(c) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1990-91 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (7) of this section, adjusted for incremental fringe benefits.

(d) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section multiplied by the compounded increase provided in this subsection, adjusted for incremental fringe benefits. The compounded increase for each district

shall be 7.12 percent, compounded by the percentage difference between the district's average staff mix factor for actual 1990-91 full time equivalent basic education certificated instructional employees computed using LEAP Document 1R and such factor for the same 1990-91 employees computed using LEAP Document 1.

(6)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1989-90 school year:

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	18,304	18,798	19,311	19,823
1	18,981	19,494	20,025	20,574
2	19,677	20,208	20,757	21,361
3	20,409	20,958	21,526	22,166
4	21,159	21,745	22,331	23,008
5	21,946	22,551	23,155	23,887
6	22,770	23,374	24,015	24,802
7	23,612	24,234	24,893	25,735
8	24,472	25,131	25,809	26,724
9		26,065	26,779	27,731
10			27,767	28,792
11				29,890
12				
13				
14 or more				

1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	21,471	22,532	21,471	22,770	23,887
1	22,276	23,356	22,276	23,612	24,765
2	23,100	24,216	23,100	24,491	25,681
3	23,942	25,113	23,942	25,388	26,632
4	24,839	26,047	24,839	26,321	27,621
5	25,754	27,017	25,754	27,310	28,627
6	26,706	28,005	26,706	28,316	29,689
7	27,694	29,048	27,694	29,360	30,787
8	28,719	30,128	28,719	30,440	31,940
9	29,781	31,245	29,781	31,574	33,112
10	30,879	32,398	30,879	32,746	34,338
11	32,032	33,588	32,032	33,954	35,601
12	33,222	34,833	33,222	35,217	36,919
13	34,448	36,114	34,448	36,516	38,292
14 or more		37,450	35,711	37,871	39,701

(b) As used in this subsection, '+ (N)' means the number of credits earned since receiving the highest degree.

(7)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1990-91 school year:

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	20,001	20,541	21,101	21,661
1	20,656	21,214	21,792	22,389
2	21,325	21,900	22,495	23,150
3	22,027	22,620	23,232	23,923
4	22,742	23,372	24,001	24,729
5	23,490	24,136	24,783	25,566
6	24,269	24,913	25,596	26,435
7	25,061	25,721	26,421	27,314

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
8	25,864	26,561	27,277	28,244
9		27,431	28,182	29,184
10			29,098	30,172
11				31,189
12				32,174
13				
14 ((or more))				
15 or more				

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	23,461	24,621	23,980	25,780	26,940
1	24,242	25,417	24,708	26,561	27,736
2	25,034	26,245	25,469	27,353	28,563
3	25,840	27,104	26,242	28,159	29,423
4	26,696	27,995	27,048	29,015	30,314
5	27,565	28,916	27,885	29,884	31,235
6	28,464	29,849	28,754	30,783	32,168
7	29,393	30,831	29,633	31,712	33,150
8	30,352	31,842	30,563	32,671	34,161
9	31,341	32,882	31,502	33,660	35,201
10	32,358	33,950	32,491	34,677	36,269
11	33,423	35,047	33,508	35,742	37,366
12	34,516	36,189	34,566	36,835	38,508
13	35,636	37,359	35,659	37,955	39,678
14	36,762	38,573	36,786	39,154	40,892
((or more))					
15 or more	37,718	39,576	37,742	40,172	41,955

(b) As used in this subsection, the column headings 'BA+(N)' refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings 'MA+(N)' refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

- (a) 'BA' means a baccalaureate degree.
- (b) 'MA' means a masters degree.
- (c) 'PHD' means a doctorate degree.

(d) 'Years of service' shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1988-89 school year.

(e) 'Credits' means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.71.110.

(9) The salary allocation schedules established in subsections (6) and (7) of this section are for allocation purposes only. However, it is the legislature's intent to respond to salary needs of many senior teachers who have not been receiving salary increments on either state or local salary schedules. The legislature and the public recognize the need to provide salary growth for these senior teachers in order to encourage them to continue teaching. School districts should target moneys generated by the additional seniority steps provided for state salary funding in the 1990-91 school year to senior certification instructional staff. By December 1, 1990, each school district shall submit to the superintendent of public instruction a statement signed by the district's board of directors explaining how the moneys generated by the additional seniority steps were used and whether these moneys were targeted to senior staff.

Sec. 505, Section 504, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ ~~((36,730,000))~~
45,361,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(2) A maximum of ~~\$(13,400,000)~~ 15,010,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 520 of this act shall be increased by \$16.04 per pupil for the 1989-90 school year and by ~~\$(40-13)~~ 48.08 per pupil for the 1990-91 school year.

(b) Learning assistance: The rates specified in section 521 of this act shall be increased by \$12.91 per pupil for the 1989-90 school year and by ~~\$(22-99)~~ 26.34 per pupil for the 1990-91 school year.

(c) Education of highly capable students: The rates specified in section 516 of this act shall be increased by \$9.50 per pupil for the 1989-90 school year and by ~~\$(23-78)~~ 28.49 per pupil for the 1990-91 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 508 of this act shall be increased by \$86.33 per full time equivalent student for the 1989-90 school year, and by ~~\$(205-64)~~ 240.15 per full time equivalent student for the 1990-91 school year.

(e) Pupil transportation: The rates provided under section 507 of this act shall be increased by \$0.66 per weighted pupil-mile for the 1989-90 school year, and by ~~\$(1-10)~~ 1.35 per weighted pupil-mile for the 1990-91 school year.

(3) A maximum of ~~\$(25,330,000)~~ 30,351,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 510, and for state-supported staff in institutional education programs, section 515, and in educational service districts, section 512. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 503 of this act.

(4) While this section and section 509 of this act do not provide specific allocations for salary increases for school food services employees, nothing in this act is intended to preclude or discourage school districts from granting increases that are equivalent to those provided for other classified staff.

Sec. 506. Section 505, chapter 19, Laws, of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ ~~((21,111,000))~~
25,695,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$224.75 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b).

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff ~~((in the 1989-90 and 1990-91 school years, effective October 1, 1989))~~ to a rate of \$239.86 per month, effective October 1, 1989, and to a rate of \$246.24 per month, effective September 1, 1990, as distributed pursuant to this section.

(3) A maximum of ~~\$(16,939,000)~~ 20,465,000 may be expended to increase general fund allocations for insurance benefits for basic education staff units under section 502(5) of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(4) A maximum of ~~\$(2,226,000)~~ 2,843,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 510 of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(5) A maximum of ~~\$(100,000)~~ 130,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(6) A maximum of ~~\$(1,030,000)~~ 2,257,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing annual state funding rates by

the amounts specified in this subsection. For the 1989-90 school year, due to the October implementation, school districts shall receive eleven-twelfths of the annual rate increases specified effective October 1989. On an annual basis, the maximum rate adjustments provided under this section are:

(a) For pupil transportation, an increase of \$0.14 per weighted pupil-mile effective October 1, 1989, and an additional increase of \$0.06 per weighted pupil-mile effective September 1, 1990;

(b) For learning assistance, an increase of \$3.78 per pupil effective October 1, 1989, and an additional increase of \$1.59 per pupil effective September 1, 1990;

(c) For education of highly capable students, an increase of \$1.29 per pupil effective October 1, 1989, and an additional increase of \$0.54 per pupil effective September 1, 1990;

(d) For transitional bilingual education, an increase of \$2.44 per pupil effective October 1, 1989, and an additional increase of \$1.03 per pupil effective September 1, 1990;

(e) For vocational-technical institutes, an increase of \$10.05 per full time equivalent pupil effective October 1, 1989, and an additional increase of \$4.25 per full time equivalent pupil effective September 1, 1990.

(7) If Substitute House Bill No. 2230 (school employee benefit plans) is not enacted by June 30, 1990, increases under this section to be effective September 1, 1990, shall not be implemented and \$4,284,000 of the appropriation in this section shall lapse.

Sec. 507. Section 507, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ ~~(250,021,000)~~
252,938,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$22,695,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) A maximum of \$~~(111,460,000)~~ 112,197,000 may be distributed for pupil transportation operating costs in the 1989-90 school year.

(3) A maximum of \$857,000 may be expended for regional transportation coordinators.

(4) A maximum of \$64,000 may be expended for bus driver training.

(5) For eligible school districts, the small fleet maintenance factor shall be funded at a rate of \$1.53 per weighted pupil-mile in the 1989-90 school year and \$1.60 per weighted pupil-mile in the 1990-91 school year.

Sec. 508. Section 508, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ ~~(82,884,000)~~
83,284,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1989-90 school year shall be distributed at a rate of \$3,267 per student for a maximum of 12,655 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.

(2) Funding for vocational programs during the 1990-91 school year shall be distributed at a rate of \$3,268 per student for a maximum of 12,655 full time equivalent students. This amount includes \$154 per student solely to replace out-of-date or worn-out equipment.

(3) Funding for adult basic education programs during the 1989-90 school year shall be distributed at a rate of \$1.46 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1990-91 school year shall be distributed at a rate of \$1.48 per hour of student service for a maximum of 288,690 hours.

(5) \$400,000 of the appropriation is provided solely for pilot programs established under section 5(4) of Engrossed Senate Bill No. 6411. The pilot programs shall use innovative approaches for integrating adult education instruction with vocational training. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(6)(a) For the 1989-90 and 1990-91 school years, school districts receiving allocations under this section may not increase direct or indirect charges for central district administrative support for vocational technical institute programs above the percentage rate charged in the 1988-89 school year. This restriction on use of vocational technical institute funding for central administrative costs shall apply to state grants under this section and any federal grants, tuition, and other revenues generated by vocational technical institute programs. The remaining funding shall be expended solely for vocational training programs and related adult education programs conducted by vocational technical institutes.

(b) The vocational technical institutes shall develop an inventory of all facilities, equipment, and real or personal property, excluding consumable supplies, acquired for or in use by vocational technical institutes as of April 1, 1990. The office of financial management shall assist the vocational technical institutes in obtaining third party verification of the inventory. School districts receiving grants under this section shall not remove inventoried facilities, equipment,

or property from the jurisdiction or use of the vocational technical institutes so as to benefit or be available for use in other K-12 programs.

Sec. 509. Section 510, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((503,593,000)) 528,627,000
General Fund Appropriation—Federal	\$	59,000,000
Total Appropriation	\$	((562,593,000)) 587,627,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(40,111,000))~~ 48,101,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1989-90 and 1990-91 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on March 25, 1989, at 13:45 hours.

(3) A maximum of ~~\$(440,000))~~ 527,000 may be expended from the general fund—state appropriation to fund ~~((4-66))~~ 5.43 full time equivalent teachers and ~~((one-aid))~~ 2.1 full time equivalent aides at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$272,000 of the general fund—state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families. \$80,000 of the amount provided in this subsection is a one-time grant to replace lost federal support and maintain program continuity until other nonstate resources to support existing service levels can be identified.

(5) \$150,000 of the general fund—state appropriation is provided solely for development and implementation of a process for school districts to bill medical assistance for eligible services included in handicapped education programs, pursuant to Substitute House Bill No. 2014. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$50,000 of the amount provided in this subsection is solely for interagency reimbursement for administrative and planning costs of the department of social and health services. \$100,000 of the amount provided in this subsection is solely for contracts with educational service districts for development and implementation of billing systems.

(6) A maximum of \$1,500,000 of the general fund—state appropriation may be granted to school districts for pilot programs for prevention of learning problems established under section 13 of Engrossed Substitute House Bill No. 1444. A district's grant for a school year under this subsection shall not exceed:

(a) The total of state allocations for general apportionment and handicapped education programs that the district would have received for that school year with specific learning disabled enrollment at the prior school year's level; minus

(b) The total of the district's actual state allocations for general apportionment and handicapped education programs for that school year.

Sec. 510. Section 513, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation	\$	((82,700,000)) 95,844,000
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The appropriation in this section is subject to the following conditions and limitations: ~~\$(82,700,000))~~ 95,844,000 is provided for state matching funds pursuant to RCW 28A.41.155.

Sec. 511. Section 515, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((20,566,000)) 21,939,000
General Fund Appropriation—Federal	\$	8,006,000
Total Appropriation	\$	((28,572,000)) 29,945,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,817,000 of the general fund—state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) ~~\$(10,165,000))~~ 11,374,000 of the general fund—state appropriation is provided solely for the 1989-90 school year, distributed as follows:

(a) ~~\$(3,293,000))~~ 3,377,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a

maximum rate averaged over all of these programs of ~~\$(10,903)~~ 11,144 per full time equivalent student.

(b) ~~\$(3,547,000)~~ 3,883,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$(6,720)~~ 6,750 per full time equivalent student.

(c) ~~\$(410,000)~~ 444,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$(5,166)~~ 5,344 per full time equivalent student.

(d) ~~\$(727,000)~~ 821,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$(1,772)~~ 2,032 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 502 of this act.

(e) ~~\$(2,000,000)~~ 2,849,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of ~~\$(4,071)~~ 4,976 per full time equivalent student.

(3) Distribution of state funding for the 1990-91 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1991:

(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of ~~\$(10,047)~~ 11,128 per full time equivalent student and a total allocation of no more than ~~\$(2,005,000)~~ 2,960,000 for that school year.

(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of ~~\$(6,741)~~ 6,761 per full time equivalent student and a total allocation of no more than ~~\$(3,701,000)~~ 3,712,000 for that school year.

(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of ~~\$(5,177)~~ 5,489 per full time equivalent student and a total allocation of no more than ~~\$(419,000)~~ 445,000 for that school year.

(d) State funding for juvenile parole learning center programs may be distributed at a maximum rate averaged over all of these programs of ~~\$(1,709)~~ 2,021 per full time equivalent student and a total allocation of no more than ~~\$(723,000)~~ 816,000 for that school year, excluding funds provided through the basic education formula established in section 502 of this act.

(e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of ~~\$(4,002)~~ 4,987 per full time equivalent student and a total allocation of no more than ~~\$(2,000,000)~~ 2,125,000 for that school year.

(4) \$167,000 of the general fund—state appropriation is provided solely to maintain the increased teacher/student ratio for programs at mentally ill offender units within the state institutions for delinquent youth.

(5) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsections (2) and (3) of this section if the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

(6) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(7) The superintendent of public instruction shall conduct a study of institutional education programs, addressing the division of administrative and budgetary responsibilities between the school districts, the department of social and health services, and, in the case of county detention centers, the juvenile court administrators. The superintendent shall consult with the department of social and health services and the institutions in designing and conducting the study, and in developing recommendations. The study shall include recommendations on methods to improve communication, decision making, and cooperation among school district and institutional staff, as well as coordination of programs and responsiveness to student needs. The superintendent shall submit a report of the study to the legislature prior to December 1, 1990, including recommendations for legislative action and changes in administrative practices.

Sec. 512. Section 516, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS
 General Fund Appropriation \$ 7,115,000
~~(7,090,000)~~

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(534,000)~~ 532,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) Allocations for school district programs for highly capable students during the 1989-90 school year shall be distributed at a maximum rate of \$364 per student for up to one percent of each district's full time equivalent enrollment.

(3) Allocations for school district programs for highly capable students during the 1990-91 school year shall be distributed at a maximum rate of \$364 per student for up to one and one-half percent of each district's full time equivalent enrollment.

(4) A maximum of \$356,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 513. Section 517, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL DISTRICT SUPPORT

General Fund Appropriation—State	\$	(5,684,000)
		5,784,000
General Fund Appropriation—Federal	\$	5,131,000
Total Appropriation	\$	((10,815,000))
		10,915,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$282,000 of the general fund—state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) \$651,000 of the general fund—state appropriation is provided solely for teacher training workshops conducted by the Pacific science center. \$496,000 of this amount is for in-service training in science to be provided to approximately ten percent of the kindergarten through eighth grade teachers each year.

(3) \$2,029,000 of the general fund—state appropriation is provided solely for operation by the educational service districts of regional computer demonstration centers and computer information centers.

(4) \$872,000 of the general fund—state appropriation and \$413,000 of the general fund—federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs under RCW 66.08.180(4).

(5) \$1,500,000 of the general fund—state appropriation is provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned. The funding is intended to provide a training program of at least twenty-five hours for approximately one thousand classroom assistants, and at least a one-day training program for approximately two thousand assigned teachers. A maximum of \$175,000 of this amount may be spent by the superintendent for state administrative costs of this program.

(6) \$350,000 of the general fund—state appropriation is provided solely for grants to school districts for multicultural inservice training. In the 1990-91 school year, grants may be provided for up to ten school districts. Districts shall be selected according to the percentage of their minority student population and their demonstrated need to address disproportionality in student achievement.

(7) \$100,000 of the general fund—state appropriation is provided solely to contract with the Henry M. Jackson school of international studies at the University of Washington to provide inservice training programs, technical assistance to school districts, and dissemination of curriculum materials related to international education.

Sec. 514. Section 518, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation—State	\$	((15,991,000))
		25,141,000
General Fund Appropriation—Federal	\$	((5,973,000))
		7,857,000
Total Appropriation	\$	((21,964,000))
		32,998,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,731,000 of the general fund—state appropriation is provided solely for a contract with the Pacific science center for travelling van programs and other educational services for public schools. \$815,000 of this amount is provided to expand the travelling van program to serve approximately 50 percent of public elementary schools annually, and to expand the on-site instruction program to serve approximately 70,000 students and teachers each year.

(2) \$88,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) ~~\$((3,975,000))~~ 5,759,000 of the general fund—federal appropriation is provided solely for substance abuse prevention programs.

(4) ~~\$(5,719,000)~~ 7,429,000 of the general fund—state appropriation ~~((and \$1,710,000 of the general fund—federal appropriation are))~~ is provided solely for the schools for the twenty-first century pilot programs established by RCW 28A.100.030 through 28A.100.068. ~~((The general fund—federal appropriation shall be expended))~~ \$1,710,000 of this amount is provided solely to establish a maximum of twelve new projects in fiscal year 1991.

(5) \$3,560,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.67.240. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.

(6) \$204,000 of the general fund—state appropriation is provided solely for child abuse education provisions of RCW 28A.03.512 through 28A.03.514.

(7) \$1,519,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or early childhood education and assistance programs, who are enrolled in adult literacy classes or tutoring programs under RCW 28A.130.010 through 28A.130.020. Grants provided under this subsection may be used for scholarships, costs of transportation and child care, and other support services. Moneys provided under this subsection may not be used by the superintendent of public instruction for state administrative costs.

(8) \$82,000 of the general fund—state appropriation is provided solely for in-service training and other costs associated with the development of a comprehensive K-12 health education curriculum, including an integral component relating to acquired immunodeficiency syndrome.

(9) ~~\$(250,000)~~ 500,000 of the general fund—state appropriation is provided solely for the continuation in the 1989-90 and 1990-91 school years of student teaching pilot projects initially established under ~~((Engrossed Senate Bill No. 5826. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse))~~ RCW 28A.70.400.

(10) ~~\$(2,712,000)~~ 1,202,000 of the general fund—state appropriation and ~~\$(208,000)~~ 1,998,000 of the general fund—federal appropriation are provided solely for grants for drop-out prevention and retrieval programs established under RCW 28A.120.060 through 28A.120.072. The general fund—federal appropriation shall be allocated to school districts for projects that meet federal criteria for targeted services eligible for funding under chapter 2 of the education consolidation and improvement act, to assist in establishing new services and innovative programs for students at risk. \$200,000 of the amounts provided in this subsection is provided solely for grants to a school district or districts participating in a drop-out tracking project established by the superintendent of public instruction. Districts participating in the drop-out tracking project shall contact students who have dropped out of school; gather information on their reasons for leaving school and on any subsequent educational or employment experiences; provide information on educational programs and community resources; and assist the students in taking advantage of these opportunities. The superintendent of public instruction shall compile and analyze the data gathered, disseminate the information and analyses, make recommendations, and develop a model drop-out tracking program.

(11) (a) \$126,000 of the general fund—state appropriation is provided solely to establish and operate a toll-free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.

(b) \$100,000 of the general fund—federal appropriation is provided solely for youth suicide prevention and intervention services, of which \$50,000 is provided solely for the south King county multi-service center and \$50,000 is provided solely for the youth suicide prevention center of Bothell.

(12) \$450,000 of the general fund—state appropriation is provided solely for grants to school districts in the 1990-91 school year for programs to employ low-income students in grades ten through twelve as tutors for students in kindergarten through grade nine. School districts receiving these grants shall pay student tutors at least minimum wage. The tutoring shall be conducted after school hours. The school districts shall provide training and supervision of the student tutors.

(13) \$750,000 of the general fund—state appropriation is provided solely to contract for teacher training in identification and prevention of child abuse.

(14) \$4,500,000 of the general fund—state appropriation is provided solely for early intervention and prevention services. Early intervention and prevention services include but are not limited to services provided by school counselors, school psychologists, school nurses, school social workers, licensed mental health professionals, child psychiatrists, appropriate health care providers, and social service caseworkers or social workers on contract. Services may be provided by private contractors. School districts and educational service districts receiving moneys under this subsection shall be required to establish formal agreements for coordinated case management with lead mental health agencies and other public or private social service agencies in the community. The allocations may be used to hire additional staff, to contract for staff or services, or to conduct training related to the district's early intervention

and prevention program. The superintendent of public instruction shall distribute funds provided in this subsection equitably to all school districts based on the district's enrollment in kindergarten through grade six. However, the allocations for school districts enrolling fewer than 1,000 full time equivalent students shall be distributed to the educational service district in which the district is located. The educational service district shall use the allocation to provide early intervention and prevention services under a cooperative agreement between the district and the educational service district. Educational service districts shall coordinate the use of staff and resources to serve school districts under this section. School districts and educational service districts may not use the grants to supplant funding from other sources previously provided for counseling or intervention services. Each school district or educational service district that receives a grant under this subsection shall conduct an evaluation of the effectiveness of its intervention program and submit a report to the superintendent of public instruction by June 30, 1991.

(15) \$1,500,000 of the general fund—state appropriation is provided solely for grants to Seattle and Tacoma school districts for magnet school programs established to encourage racial integration of schools through voluntary student transfers. The grants shall be used solely to support the development and implementation of specialized curricula and instructional programs that assist in the elimination, reduction, or prevention of minority group isolation. Placement of students in magnet programs shall not be based on test scores or grades. Grants shall be expended solely for planning and promotional activities; acquisition of books, materials, and equipment needed specifically to implement magnet programs; staff training designed specifically to assist in the development of magnet programs; and certificated staff assigned to instructional programs that are in addition to the school's core basic skills curriculum and that are an integral part of the magnet program. Grants may not be used to supplant other moneys used previously for magnet schools, other than to offset reductions in total federal magnet school grants received by the district. Grants may be used for staff development days only if these days are in addition to district-wide increases in supplemental contract days for certificated instructional staff.

(16) \$250,000 of the general fund—state appropriation is provided solely for grants for homeless children education programs. The grant applications shall be submitted jointly by school districts and at least one shelter within the district serving homeless families. The grants are not intended to fund separate instructional programs for homeless children unless the services are necessary to facilitate adjustment into a regular classroom setting. The grants may be used for staffing, for coordinating the transfer of records, for transportation, for student assessment, or for other individualized instruction or assistance.

(17) \$1,250,000 of the general fund—state appropriation is provided solely for start-up grants for before- and after-school child care programs for school-age children. A school district may receive a grant under this subsection only if the district has adopted a fee schedule based on the projected costs of services and has submitted to the superintendent of public instruction an operating plan demonstrating that, after its initial twenty-four months of operation, the program is expected to be fully supported through fees and other local revenues. The grants may be used for establishing new programs or for expanding existing programs, but may not be used for costs incurred more than twenty-four months after the establishment of a before- and after-school program at a particular site. No grant may support more than seventy-five percent of a district's program costs during the initial twenty-four months. The grants may be used for community needs assessments, planning and design of programs, equipment and supplies, capital improvements including portables, and compensation costs, for the first three months of employment only, for employees filling new positions. School districts shall be selected to receive grants based on documented demand for expansion of child care services and, in particular, demand from low-income families.

(18) If state-level administrative costs are necessary to implement subsections (13) through (17) of this section, the superintendent of public instruction shall not expend more than two percent from the moneys provided under subsections (13) through (17) of this section for state-level administrative costs.

Sec. 515. Section 520, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS
 General Fund Appropriation \$ ~~(14,772,000)~~
 17,035,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(14,772,000)~~ 1,521,000 is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent shall distribute funds for the 1989-90 and 1990-91 school years at a rate for each year of \$452 per eligible student.

Sec. 516. Section 521, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ ~~(70,417,000)~~
71,839,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(5,899,000)~~ 5,847,000 is provided solely for the remaining months of the 1988-89 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1989-90 and 1990-91 school years at a maximum rate of \$389 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

Sec. 517, Section 523, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation \$ 54,463,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,053,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) A school district may be eligible to receive an allocation from this appropriation if the school district's board of directors has:

- (a) Assessed the needs of the schools within the district;
- (b) Prioritized the identified needs; and
- (c) Developed an expenditure plan for the allocation and an evaluation methodology to assess benefits to students.

(3) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

- (a) Prevention and intervention services in the elementary grades;
- (b) Reduction of class size;
- (c) Early childhood education;
- (d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;
- (e) Staff development and in-service programs;
- (f) Student logical reasoning and analytical skill development;
- (g) Programs for highly capable students;
- (h) Programs involving students in community services;
- (i) Senior citizen volunteer programs; and
- (j) Other purposes that enhance a school district's basic education program.

Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding as now or hereafter appropriated and allocated constitute levy reduction funds for purposes of RCW 84.52.0531.

(4)(a) Allocations to eligible school districts for the 1989-90 and 1990-91 school years shall be calculated on the basis of average annual full time equivalent enrollment, at an annual rate of up to \$35.26 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

(i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(iii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.48.010.

NEW SECTION. Sec. 518. FOR THE STATE BOARD OF EDUCATION

Common School Construction Fund Appropriation \$ 156,430,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for public school building construction.
- (2) Funding for common school construction and modernization in fiscal year 1991 is provided for projects for which the voters of a school district have authorized bonds prior to January 1, 1990, as identified in Table 14 of the report of the superintendent of public instruction dated March 28, 1990.
- (3) During the 1989-91 biennium, any funding of projects subsequent to the July 1990 priority funding process shall be limited to modernization projects that are ready to proceed to construction prior to June 30, 1991.

PART VI
HIGHER EDUCATION

Sec. 601. Section 601, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, 'institutions of higher education' means the institutions receiving appropriations pursuant to sections 602 through 608 of this act.

(2)(a) Student Quality Standard: Each institution shall adhere to biennial budgeted enrollment levels. During the 1989-91 fiscal biennium, each institution of higher education shall not spend less than the average biennial amount listed in this subsection per full time equivalent student, plus or minus two percent. The amounts include total appropriated general fund—state operating expenditures, less expenditures for plant maintenance and operation, with the exception of Washington State University, where cooperative extension and agriculture research expenditures are also excluded.

University of Washington	\$ 9,270
Washington State University	\$ 7,496
Eastern Washington University	\$ 5,495
Central Washington University	\$ 5,610
The Evergreen State College	\$ 6,905
Western Washington University	\$ 5,339
State Board for Community College Education	\$ 3,281

(b) Facilities Quality Standard: During the 1989-91 biennium, no institution of higher education may allow its expenditures for plant operation and maintenance to fall more than five percent below the general fund—state appropriation and the general fund—local amounts allotted for this purpose.

(3)(a) The following are maximum amounts that each institution may spend from the appropriations in sections 602 through 608 and 610 of this act for ((faculty, graduate assistants, and exempt)) staff salary increases on January 1, 1990, and January 1, 1991, excluding classified staff salary increases, and are subject to all the limitations contained in this section. ((For the purpose of allocating these funds, "faculty" includes all instructional and research faculty, teaching and research assistants, academic deans, department chairpersons, librarians, and community college counselors who are not part of the state classified service system. "Exempt staff" includes all professional and administrative employees who are not part of the state classified service system.)) The amount shown for the state board for community college education may be used for compensation increases pursuant to chapter 135, Laws of 1990.

University of Washington	\$ ((10,348,000))
	<u>18,416,000</u>
Washington State University	\$ ((9,683,000))
	<u>9,245,000</u>
Eastern Washington University	\$ ((2,864,000))
	<u>2,836,000</u>
Central Washington University	\$ ((2,553,000))
	<u>2,409,000</u>
The Evergreen State College	\$ ((1,210,000))
	<u>1,206,000</u>
Western Washington University	\$ ((3,435,000))
	<u>3,259,000</u>
State Board for Community College Education	\$ ((19,753,000))
	<u>20,415,000</u>
Higher Education Coordinating Board	\$ 66,000

(b) For the January 1, 1990, salary increases, the amounts listed in (a) of this subsection are intended to provide faculty, exempt staff, teaching and research assistants, and medical residents at each four-year institution and the community college system as a whole, a maximum of the average percentage increase indicated in this subsection, including increments((listed below on the effective dates indicated-)). For the purpose of allocating these funds, "faculty"

includes all instructional and research faculty, teaching and research assistants, academic deans, department chairpersons, librarians, and community college counselors who are not part of the state classified service system. 'Exempt staff' includes all professional and administrative employees who are not part of the state classified service system.

((Faculty and Exempt Staff))

	January 1, 1990	((January 1, 1991))
University of Washington	6.1%	((6.1%))
Washington State University	6.1%	((6.1%))
Eastern Washington University	6.4%	((6.4%))
Central Washington University	6.4%	((6.4%))
The Evergreen State College	6.4%	((6.4%))
Western Washington University	6.4%	((6.4%))
State Board for Community College Education	6.2%	((6.2%))
Exempt staff (all institutions)	2.5%	((6.0%))
Higher Education Coordinating Board	2.5%	((6.0%))

(c) For the January 1, 1991, salary increase, consistent with the office of financial management classification study under this section, the following employee classifications shall receive as a whole, a maximum of the average percentage increase indicated in this subsection: Faculty, academic administrators, academic librarians, and teaching/research assistants.

	January 1, 1991
University of Washington	6.1%
Washington State University	6.1%
Eastern Washington University	6.4%
Central Washington University	6.4%
The Evergreen State College	6.4%
Western Washington University	6.4%

(d) For the January 1, 1991, salary increase, consistent with the office of financial management classification study under this section, the following employee classifications shall receive as a whole, a maximum of the average percentage increase indicated in this subsection: Four-year counselors, administrators, and other professionals.

	January 1, 1991
University of Washington	6.0%
Washington State University	6.0%
Eastern Washington University	6.0%
Central Washington University	6.0%
The Evergreen State College	6.0%
Western Washington University	6.0%
Higher Education Coordinating Board	6.0%

(e) Effective, January 1, 1991, community college faculty and exempt staff shall receive an average 6.2 percent salary increase, including increments. 'Community college faculty' includes all community college instructional faculty, librarians, and counselors who are not part of the state classified service system. 'Exempt staff' includes all presidents, chancellors, administrative deans, and professional personnel who are exempt from the state classified service system.

(f) Regardless of whether the maximum amounts authorized in this subsection are granted, they will be considered granted by the higher education coordinating board when comparing faculty salaries to other institutions for the purpose of determining salary increase requirements.

((†)) (g) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

((†)) (h) The state board for community college education shall allocate the amounts authorized in this subsection among the community college districts according to policies and guidelines established by the board that may include policies for achieving more equitable salary levels among districts and more equitable salary levels between part-time and full-time faculty.

(4) The following amounts from the appropriations in sections 602 through 608 of this act, or as much thereof as may be necessary, shall be spent to provide higher education personnel board classified employees with a 2.5 percent across-the-board salary increase effective January 1, 1990, and an additional 6.0 percent across-the-board salary increase effective January 1, 1991. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

University of Washington \$ 4,484,000

Washington State University	\$	2,950,000
Eastern Washington University	\$	747,000
Central Washington University	\$	574,000
The Evergreen State College	\$	427,000
Western Washington University	\$	792,000
State Board for Community College Education	\$	4,011,000
Higher Education Coordinating Board	\$	35,000

(5) The following amounts from the appropriations in sections 602 through 608 of this act are provided solely for student employee salary increases:

University of Washington	\$	130,000
Washington State University	\$	73,000
Eastern Washington University	\$	21,000
Central Washington University	\$	18,000
The Evergreen State College	\$	9,000
Western Washington University	\$	25,000
State Board for Community College Education	\$	142,000

(6) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsection (3) of this section, as allocated by the state board for community college education, is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

(7) The office of financial management shall by November 1, 1989, develop an employee classification system for the purpose of allocating the appropriations in this act for higher education salary increases. In developing the classification system, the office of financial management shall consult with the institutions of higher education, the senate committee on ways and means, and the house of representatives committee on appropriations. The classification system shall be consistent among the institutions and shall provide for uniform application of each employee classification, including instructional and research faculty, academic and administrative deans, department chairpersons, exempt and classified staff, presidents, chancellors, vice-presidents, librarians, and counselors. ~~((An institution of higher education shall not grant any salary increase under this section unless the office of financial management determines that the increase is consistent with the classification system required by this subsection.))~~ It is the intent of the legislature to adjust the appropriations in this act during the 1990 legislative session to reflect the classification system; the appropriation adjustments shall result in a total expenditure level that is less than or equal to the total amount allocated for salary increases under this section to all institutions. The classification system shall be used solely for the purpose of salary increase allocations for the January 1, 1991, increase under this section and shall not affect any employee rights under the state higher education personnel law, chapter 28B.16 RCW.

(8) No institution of higher education may deduct more than fifteen percent for administrative overhead from any amount received for services performed under a contract or interagency agreement with an agency or department of the state without prior approval from the office of financial management. This subsection applies to new or renewed contracts and interagency agreements entered into after June 30, 1990.

Sec. 602. Section 602, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation	\$	((629,466,000)) 633,678,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The state board for community college education shall establish compensation guidelines for salary levels of the top administrative position at community colleges. The guidelines should take into account criteria such as institutional size, level of responsibility, experience, and longevity.

~~((3))~~ (2) The enrollment increases funded by this appropriation shall be distributed among all the community college districts based on the weighted percentage enrollment plan developed by the state board for community college education, and contained in the legislative budget notes.

~~((4))~~ (3)(a) At least \$400,000 shall be spent on assessment of student outcomes. The institutions shall strive to improve the quality of instruction in areas such as instructor contact time and student writing requirements.

(b) At least \$1,620,000 shall be spent on college-specific assessment of student outcomes. The state board for community college education shall approve college-specific assessment plans before releasing funds to the individual community colleges. The institutions shall strive to

improve the quality of instruction in areas such as instructor contact time and student writing requirements.

~~((5))~~ (4) At least \$50,000 shall be spent to fund the comparable worth salary adjustments for employees in community college childcare centers.

~~((6))~~ (5) \$5,430,000 is provided to enhance the institution's appropriation for equipment.

(6) \$1,350,000 is provided solely for deposit in the community college faculty awards trust fund for expenditure pursuant to chapter 29, Laws of 1990.

(7) \$580,000 is provided solely for the pilot projects authorized under section 5(2) of Senate Bill No. 6411. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 603. Section 603, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	((613,671,000)) 615,849,000
Medical Aid Fund Appropriation	\$	3,518,000
Accident Fund Appropriation	\$	3,517,000
Death Investigations Account Appropriation	\$	957,000
Total Appropriation	\$	((621,663,000)) 623,841,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$6,620,000 of the general fund appropriation shall be spent to begin off-campus upper-division course offerings in Tacoma and Bothell.

(2) The University of Washington shall establish an evening degree credit program. ~~\$(~~(391,000))~~ 1,651,000~~ of the general fund appropriation is provided ~~((to facilitate))~~ solely for this purpose.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$4,587,000 is provided to enhance the institution's appropriation for equipment.

(5) \$250,000 of the general fund appropriation is provided solely for the mathematics, engineering, and science achievement program (MESA) pursuant to Engrossed House Bill No. 2413. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(6) \$500,000 of the general fund appropriation is provided solely for the Warren G. Magnuson institute trust fund, pursuant to Second Substitute House Bill No. 2443 (Magnuson biomedical institute). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(7) \$100,000 of the general fund appropriation is provided solely for the pacific northwest leadership conference to be conducted by the University of Washington's institute for public policy and management.

Sec. 604. Section 604, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation	\$	((337,969,000)) 337,973,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$2,012,000 shall be spent to expand upper-division and graduate off-campus course offerings.

(2) Washington State University shall continue funding three faculty positions associated with Tri-Cities diversification.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$1,237,000 is provided to enhance the institution's appropriation for equipment.

(5) \$300,000 is provided solely for implementing programs for gender equity in athletics.

(6) \$337,000 is provided solely for the instructional programs at the Tri-Cities branch campus.

Sec. 605. Section 605, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation	\$	((92,656,000)) 92,744,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$516,000 is provided to enhance the institution's appropriation for equipment.

Sec. 606. Section 606, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ ~~((76,366,666))~~
78,666,000

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$599,000 shall be spent to provide upper-division courses in Yakima.

(3) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(4) \$316,000 is provided to enhance the institution's appropriation for equipment.

(5) \$560,000 is provided solely for the purchase of a twin-engine flight simulator. Any additional cost shall be paid by private donations.

Sec. 607. Section 607, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ ~~((48,375,666))~~
49,005,000

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$377,000 is provided to enhance the institution's appropriation for equipment.

(4) \$315,000 is provided to the Washington state institute for public policy at The Evergreen State College for the purpose of beginning a research and evaluation effort to examine the effectiveness of sex offender and victims' programs, including treatment, pursuant to chapter 3, Laws of 1990. The institute may allocate moneys to research projects to assist the research and evaluation. Decisions regarding the allocation of moneys shall be made in consultation with an advisory panel. The advisory panel shall establish criteria to ensure that the funded projects meet the highest standards of methodological rigor and will be of value to state policy makers. In order to provide timely information to policy makers, a portion of the projects shall cover retrospective studies and another portion shall involve the design of longitudinal studies. The institute shall consider applicants from for-profit and nonprofit organizations in addition to public universities and colleges in making awards under this subsection. The advisory panel shall consist of:

(a) Three academicians from state public and private universities, to be selected by the institute's board of directors;

(b) The secretary of corrections or the secretary's designee;

(c) One legislator appointed by the majority leader of the senate and one legislator appointed by the speaker of the house of representatives;

(d) A representative of crime victims, to be appointed by the governor; and

(e) The research director of the sentencing guidelines commission.

The institute shall submit a report to the appropriate fiscal and policy committees of the legislature by November 1, 1990, on the retrospective study portion of the research and submit a progress report on the evaluation effort and longitudinal study design.

(5) \$140,000 is provided solely for the study 'Special Sex Offender Sentencing Alternative: A Study of Recidivism and Community Attitudes' to be conducted by the Washington institute of public policy through the Harborview Medical Center's special assault center and its subcontractors in satisfaction of the requirement in RCW 9.94A.124 to study the effectiveness of the special sexual sentencing standard.

Sec. 608. Section 608, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ ~~((162,936,666))~~
102,760,000

The appropriation in this section is subject to the following conditions and limitations:

(1) It is intended that enrollment increases be directed to resident students and that priority be given to students seeking entrance to upper-division courses with the intent to complete a bachelor's degree.

(2) At least \$400,000 shall be spent on assessment of student outcomes. The institution shall strive to improve the quality of instruction in areas such as professor contact time and student writing requirements.

(3) \$805,000 is provided to enhance the institution's appropriation for equipment.

Sec. 609. Section 610, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD

General Fund Appropriation—State	\$	((58,248,000))
		63,587,300
General Fund Appropriation—Federal	\$	4,152,000
State Educational Grant Account Appropriation	\$	40,000
Total Appropriation	\$	((62,440,000))
		67,779,300

The appropriations in this section are subject to the following conditions and limitations:

(1) \$53,943,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount:

(a) At least \$18,100,000 shall be expended for work study grants;

(b) \$31,609,000 of the general fund—state appropriation is provided solely for the state need grant program. The need grant award to any individual shall not exceed the amount received by a student attending a state research university;

(c) \$250,000 is provided solely for additions to the conditional scholarship program for nurses;

(d) \$300,000 is provided solely for additions to the conditional scholarship program for teachers;

(e) \$500,000 is provided solely for the educational opportunity grant program;

(f) \$100,000 is provided solely for a community scholarship demonstration project to make matching awards of \$2,000 to community scholarship foundations that:

(i) After the effective date of this act, begin a higher education scholarship program and raise at least \$2,000 for the program;

(ii) Obtain and maintain tax-exempt status under section 501(c)(3) of the internal revenue code for the fund supporting the scholarship program; and

(iii) Have not previously received a matching award from the amount provided in this subsection (1)(f).

(2) \$70,000 of the general fund—state appropriation is provided solely for the rural physician and midwife scholarship program as prescribed in Second Substitute Senate Bill No. 6418. \$20,000 of this amount is for program administration. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(3) \$71,300 of the general fund—state appropriation is provided solely for the development of a state plan for nursing education under section 713, chapter 9, Laws of 1989 1st ex. sess.

(4) \$321,000 of the general fund—state appropriation is provided solely for the summer motivation and academic residential training program (SMART). This demonstration project shall include an analysis of the subsequent high school performance of former participants, including their grades, attendance, and graduation rates.

(5) \$3,000,000 of the general fund—state appropriation is provided for transfer to the Washington distinguished professorship trust fund.

(a) For the biennium ending June 30, 1991, all appropriations to the Washington distinguished professorship trust fund shall be allocated as provided in this subsection. The state treasurer shall reserve the following amounts in the trust fund for distribution to four-year higher education institutions at such time as qualifying gifts for distinguished professorships have been deposited pursuant to RCW 28B.10.866 through 28B.10.874:

(i) \$1,250,000 of the appropriation for the University of Washington;

(ii) \$750,000 of the appropriation for Washington State University; and

(iii) \$1,000,000 of the appropriation divided among Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College. An institution of higher education is not eligible for any funds under this subsection (iii) until the institution has requested designation of the funds guaranteed to the institution under section 4, chapter 125, Laws of 1988.

(b) As of June 30, 1991, if any funds reserved in subsection (2)(a) of this section have not been designated as matching funds for qualifying gifts, any four-year institution of higher education that has otherwise fully utilized the professorships allocated to it by this subsection may be eligible for such funds under rules promulgated by the higher education coordinating board.

(6) \$1,500,000 of the general fund—state appropriation is provided solely for transfer to the Washington graduate fellowship trust fund.

(a) For the biennium ending June 30, 1991, all appropriations to the Washington graduate fellowship trust fund shall be allocated as provided in this subsection. The state treasurer shall reserve the following amounts in the trust fund for distribution to four-year higher education institutions at the time qualifying gifts for graduate fellows have been deposited:

(i) \$900,000 of the appropriation for the University of Washington;

(ii) \$450,000 of the appropriation for Washington State University;

(iii) \$150,000 of the appropriation divided equally among Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College.

(b) As of June 30, 1991, if any funds reserved in (a) of this subsection have not been designated as matching funds for qualifying gifts, any four-year institution of higher education that has otherwise fully utilized the graduate student fellowships allocated to it by this subsection may be eligible for such funds under rules promulgated by the higher education coordinating board.

(7) \$250,000 of the general fund—state appropriation is provided solely for deposit into the American Indian endowed scholarship trust fund, pursuant to Engrossed Substitute House Bill No. 2831. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(8) The higher education coordinating board shall, by November 1, 1990, complete an analysis of higher education salary levels, including comparisons with peer institutions, for the employee groups defined in the office of financial management employee classification system, except for classified staff and students.

(9) The higher education coordinating board shall include in its tuition and financial aid recommendations for 1991, recommendations regarding tuition waiver and fee reduction programs. The recommendations shall give special consideration to maximizing the amount of waivers that are granted on the basis of financial need.

(10) \$20,000 of the general fund—state appropriation is provided solely for the publication and distribution of a resource guide to assist single parents in higher education. The resource guide shall include, but not be limited to, information on:

(a) Sources of financial assistance, with application deadlines;

(b) Educational opportunities;

(c) Ways to acquire information on career options;

(d) Admissions requirements, including application deadlines;

(e) Opportunities for basic skills and remediation classes;

(f) Educational costs and benefits; and

(g) Sources of support services.

(11) \$32,000 of the general fund—state appropriation is provided solely for a Pacific rim language scholarship program demonstration project. Under the project, the higher education coordinating board shall select up to four high school seniors from each congressional district to receive a Washington state Pacific rim scholarship. Of the four students selected, one shall be a proficient speaker of Spanish, one of Russian, one of Japanese, and one of Chinese, and all shall have shown the most improvement in their ability to speak the language during their high school careers. The scholarships shall not exceed one thousand dollars per student which shall not be disbursed until the student is enrolled at a college or university in the state of Washington that is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

NEW SECTION. Sec. 610. The sum of \$50,000, or as much thereof as may be necessary, is appropriated from the general fund to the higher education coordinating board for the biennium ending June 30, 1991, solely for the establishment of a Washington state writing demonstration project to be administered by the board or its designee. Under the project, proposals shall be competitively selected which enhance the skills of writing teachers in grades kindergarten through twelve in Washington public schools.

NEW SECTION. Sec. 611. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY
1991 Applied Technology Reserve Account Appropriation \$ 1,500,000

The appropriation in this section is subject to the following conditions and limitations:

(1) By June 1, 1990, the Washington institute of applied technology shall have in place a budget and program-based enrollment plan for the remainder of the 1989-91 biennium that has been approved by the office of financial management.

(2) The office of financial management shall monitor the financial status of the institute and report quarterly to the budget committees of the house of representatives and the senate.

(3) By July 15, 1990, the institute shall complete a specific plan leading to an application by September 1, 1990, for accreditation to the superintendent of public instruction and the national association of trade and technical schools, and shall review the plan with representatives from both of these organizations.

(4) By July 15, 1990, the institute's board of directors shall adopt an updated mission statement.

(5) By September 1, 1990, all of the institute's instructors are required to be certified by either the superintendent of public instruction or the state board for community college education.

(6) By September 1, 1990, the institute shall publish a catalog describing its mission, services, programs, and courses.

(7) On September 15, 1990, and on January 15, 1991, the institute shall report to the state board for vocational education on the status of each of the requirements contained in subsections (1) through (6) of this section. The reports shall also describe the status of implementing recommendations contained in the January 1990 study of the institute prepared by the state board for vocational education.

Sec. 612. Section 614, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE LIBRARY	
General Fund Appropriation—State	\$ ((11,013,000)) 12,554,000
General Fund Appropriation—Federal	\$ 4,620,000
General Fund Appropriation—Private/Local	\$ 112,000
Western Library Network Computer System Revolving Fund Approp- riation—Private/Local	\$ 14,073,000
Total Appropriation	\$ ((29,818,000)) 31,359,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,331,000 of the general fund—state and the general fund—federal appropriations are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

(2) \$50,000 of the general fund—state appropriation is provided solely to implement Substitute Senate Bill No. 6764 (learn-in-libraries grant program). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 613. Section 618, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE CAPITOL HISTORICAL ASSOCIATION	
General Fund Appropriation	\$ ((873,000)) 973,000
State Capitol Historical Association Museum Account Appropriation	\$ 119,000
Total Appropriation	\$ ((992,000)) 1,092,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund appropriation is provided solely for the continuation of a technical assistance program for local heritage organizations.

PART VII
SPECIAL APPROPRIATIONS

Sec. 701. Section 701, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION	
General Fund Appropriation for fire insurance premiums tax distribu- tion	\$ ((5,239,000)) 4,300,000
General Fund Appropriation for public utility district excise tax distri- bution	\$ ((22,854,000)) 23,700,000
General Fund Appropriation for prosecuting attorneys' salaries	\$ 2,277,000
General Fund Appropriation for motor vehicle excise tax distribution	\$ ((68,719,000)) 70,000,000
General Fund Appropriation for local mass transit assistance	\$ ((268,213,000)) 215,000,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$ ((2,600,000)) 2,200,000
<u>General Fund Appropriation for Boating Safety/Education and Law Enforcement Distribution</u>	<u>\$ 1,100,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$ ((80,000)) 90,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribu- tion	\$ ((18,667,000)) 19,900,000

Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	((290,025,000)) 316,000,000
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	((41,250,000)) 48,750,000
Timber Tax Distribution Account Appropriation for distribution to 'Timber' counties	\$	((57,544,000)) 96,200,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$	((37,002,000)) 37,200,000
County Sales and Use Tax Equalization Account Appropriation	\$	((12,695,000)) 12,800,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$	((636,000)) 736,000
Total Appropriation	\$	((767,001,000)) 850,253,000

Sec. 702. Section 702, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$	((70,000,000)) 100,000,000
General Fund Appropriation for federal flood control funds distribution	\$	70,000
General Fund Appropriation for federal grazing fees distribution	\$	50,000
((Geothermal Account Appropriation—Federal	\$	20,000))
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$	720,000
Total Appropriation	\$	((70,000,000)) 100,840,000

NEW SECTION. Sec. 703. FOR THE GOVERNOR—SELF-INSURANCE FUND PREMIUMS

General Fund Appropriation	\$	5,229,000
Agency Self-Insurance Liability Premium Revolving Fund Appropriation	\$	4,271,000
Total Appropriation	\$	9,500,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of self-insurance fund premiums from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the agency self-insurance liability premium revolving fund, hereby created, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay self-insurance fund premiums due.

NEW SECTION. Sec. 704. FOR THE GOVERNOR—FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation	\$	9,391,000
Motor Vehicle Fund Appropriation	\$	3,963,000
Wildlife Fund Appropriation	\$	242,000
Accident Fund Appropriation	\$	348,000
Horse Racing Fund Appropriation	\$	225,000
Liquor Revolving Fund Appropriation	\$	104,000
Resource Management Cost Account Appropriation	\$	82,000
Total Appropriation	\$	14,355,000

Sec. 705. Section 708, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation	\$	2,000,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

(2) Any loan extended prior to January 1, 1990, from the governor's emergency fund to a city incorporated prior to March 1, 1990, shall be forgiven.

Sec. 706. Section 712, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund

\$ 1,140,000

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1991, except as otherwise noted.

To reimburse the general fund for expenditures from related claims appropriations to be disbursed on vouchers approved by the office of financial management:

Medical Disciplinary Account	\$	520
Institutional Impact Account	\$	((26,153))
		<u>28,188</u>
ORV (Off-Road-Vehicle) Account	\$	23
Hospital Commission Account	\$	15,224
Centennial Commission Account	\$	940
Public Safety and Education Account	\$	1,151
Health Professions Account	\$	((734))
		679
Forest Development Account	\$	6,122
Real Estate Commission Account	\$	1,614
Reclamation Revolving Account	\$	((103))
		<u>207</u>
Landowner Contingency Forest Fire Suppression Account	\$	600
Capitol Building Construction Account	\$	40,251
Resource Management Cost Account	\$	9,295
Litter Control Account	\$	34,305
State Building Construction Account	\$	35
Outdoor Recreation Account	\$	1,958
Local Governance Study Commission Account	\$	42
Grade Crossing Protective Fund	\$	1,029
State Patrol Highway Account	\$	25,745
Motorcycle Safety Education Fund	\$	266
Fire Service Training Account	\$	447
Seed Fund	\$	3,023
Electrical License Fund	\$	724
State Wildlife Fund	\$	((20,500))
		<u>22,400</u>
Highway Safety Fund	\$	7,774
Motor Vehicle Fund	\$	((14,046))
		<u>13,733</u>
Puget Sound Ferry Operations Account	\$	12
Public Service Revolving Fund	\$	((6,042))
		6,104
Insurance Commissioner's Regulatory Account	\$	1,910
State Treasurer's Service Fund	\$	1,053
Legal Services Revolving Fund	\$	2,557
Municipal Revolving Fund	\$	5,671
Department of Personnel Service Fund	\$	((6,472))
		7,120
State Auditing Services Revolving Fund	\$	1,240
Liquor Revolving Fund	\$	15,445
Department of Retirement Systems Expense Fund	\$	2,982
Accident Fund	\$	62,964
Medical Aid Fund	\$	57,948
Western Library Network Computer System Revolving Fund	\$	460
Pressure Systems Safety Fund	\$	32

NEW SECTION, Sec. 707. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of the department of general administration, except as otherwise provided, as follows:

- (1) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Wildlife Fund:
 - (a) John Clees, Carlton, Washington \$ 6,046.86
 - (b) Harold Weber, Grand Coulee, Washington \$ 3,238.38
 - (c) James Fleishman, Chinook, Washington \$ 4,692.84
- (2) Juanita Mullen, Lori O'Grady, Lawra C. Hill-Hodges, and Sandra Colvin, in settlement of all claims per order of Thurston County Superior Court, Cause No. 87-2-02413-7: PROVIDED, That \$434,382.00 is from federal funds \$ 783,703.00

(3) Office of Thurston County Prosecutor, in settlement of all claims for expenses incurred under the institutional impact program	\$	29,606.77
(4) R. Frederickson, in settlement of all claims per order of Seattle Municipal court, Cause No. 88-183-0175, pursuant to RCW 9A.16-110, including interest	\$	3,758.90
(5) Mervin Ledford, in settlement of all claims per order of Snohomish County Superior Court, Cause No. 87-1-01087-7, pursuant to RCW 9A.16.110, including interest	\$	11,659.21
(6) M. Bartholomew, in settlement of all claims per order of Pierce County Superior Court, Cause No. 88-1-01288-3, pursuant to RCW 9A.16.110, including interest	\$	11,284.10
(7) Rober Hurtado, in settlement of all claims per order of Douglas County Superior Court, Cause No. 89-1-00014-1, pursuant to RCW 9A.16.110, including interest	\$	26,902.86
(8) Robert Carey, in settlement of all claims per order of Pierce County Superior Court, Cause No. 88-1-01288-3, pursuant to RCW 9A.16.110, including interest	\$	24,722.01
(9) Tom Peters, in settlement of all claims per order of Longview Municipal Court, Cause No. 51656, pursuant to RCW 9A.16.110, including interest	\$	3,475.20
(10) Maurilio Martinez, in settlement of all claims per Yakima County Superior Court, Cause No. 89-1-00515-3, pursuant to RCW 9A.16-110, including interest	\$	26,582.62
(11) Jacques Gauron, in settlement of all claims per Renton District Court, King County, Cause No. J022378, pursuant to RCW 9A.16-110, including interest	\$	4,123.93
(12) Robert Joswick, in settlement of all claims per Buckley District Court, Pierce County, Cause No. 77334, pursuant to RCW 9A.16-110, including interest	\$	2,527.10
(13) Halpin's Pharmacy, Spokane, in settlement of medical assistance billings during the 1987-89 biennium: PROVIDED, That \$12,696 is from federal funds	\$	23,954.61

Sec. 708. Section 714, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—COMPENSATION—SALARY AND INSURANCE BENEFITS

General Fund Appropriation—State	\$	(65,000,000)
		75,449,000
General Fund Appropriation—Federal	\$	(20,015,000)
		24,009,000
Special Fund Salary and Insurance Contribution		
Increase Revolving Fund Appropriation	\$	(47,638,000)
		63,676,000
<u>Wildlife Fund Appropriation—State</u>	<u>\$</u>	<u>1,285,000</u>
<u>Insurance Commissioner's Regulatory Account Appropriation</u>	<u>\$</u>	<u>215,000</u>
Total Appropriation	\$	(132,733,000)
		164,634,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$40,060,000 of the general fund—state appropriation, \$13,311,000 of the general fund—federal appropriation, and \$31,888,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a 2.5 percent across-the-board salary increase effective January 1, 1990, and an additional 6.0 percent across-the-board salary increase effective January 1, 1991, for all classified and exempt employees under the state personnel board (SPB), and commissioned officers of the Washington state patrol. These increases shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126, where applicable.

(2) The governor shall allocate to state agencies from the general fund—state appropriation \$3,327,000 for fiscal year 1990 and \$6,654,000 for fiscal year 1991, from the general fund—federal appropriation \$513,000 for fiscal year 1990 and \$1,027,000 for fiscal year 1991, and from the special fund salary and insurance contribution increase revolving fund appropriation \$2,587,000 for fiscal year 1990 and \$5,173,000 for fiscal year 1991 to fulfill the 1989-91 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126.

(3)(a) The monthly contributions for insurance benefit premiums shall not exceed \$239.86 per eligible employee for fiscal year 1990, and \$246.24 for fiscal year 1991.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$16.21 per eligible employee for fiscal year 1990, and \$9.83 for fiscal year 1991.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1989-91 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(4) \$285,000 of the general fund—state appropriation and \$1,285,000 of the wildlife fund—state appropriation are provided solely to fund personnel reclassifications for biologists, enforcement personnel, and program managers in the department of wildlife. Expenditure of \$48,000 from the general fund—state appropriation and \$104,000 from the wildlife fund appropriation is contingent on state personnel board approval of the program manager reclassification.

(5) \$481,000 of the general fund—state appropriation is provided solely to fund personnel reclassifications for biologists and related job classes in the department of fisheries. Expenditure of this amount is contingent on state personnel board approval of the reclassifications.

(6) \$5,000,000 of the general fund—state appropriation and \$9,450,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely for salary increases effective January 1, 1991, for classified personnel under the state personnel board and under the higher education personnel board.

The amounts provided shall be used for increases for those employees furthest from prevailing rate as determined by the 1988 trend salary survey findings. Increases may be granted only in whole-range increments. To implement these increases, those employees furthest from prevailing rate shall be given a one-range increase. This process shall be repeated until this appropriation is expended or all employee salaries are moved to within twenty percent of prevailing rate, whichever comes first.

The findings of the 1988 salary survey (catch-up plus keep-up), expressed as the number of ranges behind prevailing rate, shall be used to determine which employees are furthest from prevailing rate. In determining salary increases under this subsection, the number of ranges behind prevailing rate shall be the same as the survey findings as originally adopted by the state personnel board and higher education personnel board, unless a job reclassification has been approved after June 1, 1988. If a reclassification has been approved, the number of ranges behind prevailing rate shall be adjusted based on the change resulting from the reclassification.

Calculations for determining the increases granted in this subsection shall be made subsequent to the calculations for the general salary increases granted in subsection (1) of this section. The general salary increases granted in subsection (1) of this section, and on January 1, 1989, shall not be considered to have reduced the number of ranges between employee salaries and prevailing rate as shown in the findings of the 1988 survey.

In no case may this appropriation be used to close the salary gap to less than twenty percent of prevailing rate. None of these funds may be used to grant salary increases to the attendant counselor job classifications granted salary increases under subsection (8) of this section.

(7) \$1,455,000 of the general fund—state appropriation, \$395,000 of the general fund—federal appropriation, and \$40,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely to add five steps beyond step K to the salary schedule for registered nurses and related classifications, effective October 1, 1990. Each of the steps shall be two and one-half percent. Expenditure of these amounts is contingent on approval by the state personnel board of the additional steps. These amounts shall be allocated as follows:

(a) \$86,000 from the general fund—state appropriation to the department of corrections;

(b) \$17,000 from the general fund—state appropriation to the department of health;

(c) \$40,000 from the general fund—state appropriation, \$40,000 from the general fund—federal appropriation, and \$40,000 from the special fund salary and insurance contribution increase revolving fund appropriation to the department of veterans' affairs; and

(d) \$1,312,000 from the general fund—state appropriation and \$355,000 from the general fund—federal appropriation to the department of social and health services.

(8) \$3,093,000 of the general fund—state appropriation and \$3,599,000 of the general fund—federal appropriation are provided solely for salary increases for attendant care counselors in the developmental disabilities program. These increases shall be implemented in two phases of the following amounts: Phase one—\$1,816,000 general fund—state and \$2,101,000 general fund—federal; and phase two—\$1,277,000 general fund—state and \$1,498,000 general fund—federal.

(9) \$215,000 of the insurance commissioner's regulatory account appropriation is provided solely to fund personnel reclassifications for compliance officers, analysts, and actuaries in the office of the insurance commissioner.

(10) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

~~((5))~~ (11) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the senate committee on ways and means and the house of representatives committee on appropriations.

~~((6))~~ (12) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board.

~~((7) Moneys from the)~~ (13) \$4,470,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for salary and benefit increases for ferry workers in accordance with the 1989-91 transportation appropriations act.

Sec. 709, Section 715, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

	FY 1990	FY 1991
General Fund Appropriation	\$ 63,000,000	((62,167,000))
Total Appropriation	\$ ((125,167,000))	<u>3,300,000</u>
	66,300,000	

~~((The appropriation in this subsection is subject to the following conditions and limitations: if Substitute Senate Bill No. 5418 is enacted before June 30, 1989, the FY 1991 appropriation in this subsection shall lapse:))~~

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1990	FY 1991
General Fund Appropriation	\$ ((1,100,000))	1,100,000
	2,400,000	2,500,000
Total Appropriation	\$ ((2,200,000))	<u>4,900,000</u>

(3) There is appropriated for contributions to the judges retirement system:

	FY 1990	FY 1991
General Fund Appropriation	\$ 250,000	250,000
Total Appropriation	\$500,000	

(4) ~~((If Substitute Senate Bill No. 5418 is enacted by June 30, 1989:))~~ The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989, and 12.60% of earnable compensation, beginning September 1, 1990. ~~((If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.32 RCW (the teachers' retirement system) shall be set at 11.34% of earnable compensation, beginning July 1, 1989:))~~

(5) ~~((If Substitute Senate Bill No. 5418 is enacted by June 30, 1989:))~~ The initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989, and 7.1% of earnable compensation, beginning September 1, 1990. ~~((If Substitute Senate Bill No. 5418 is not enacted by June 30, 1989, the initial employer trust fund contribution rate for all employers of members of the retirement system governed by chapter 41.40 RCW (the public employees' retirement system) shall be set at 5.99% of compensation earnable, beginning July 1, 1989:))~~

(6) The employer rate for all employers of members of the retirement system governed by chapter 43.43 RCW (the state patrol retirement system) shall be set at 19.88% of compensation ~~((for the 1989-91 biennium))~~ beginning July 1, 1989, and 21.47% of compensation beginning September 1, 1990.

Sec. 710, Section 716, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

	FY 1990	FY 1991
General Fund—State Appropriation	\$ 2,334,000	((2,283,000))
		9,313,000
General Fund—Federal Appropriation	\$ 480,000	2,012,000
State Patrol Highway Account	\$	448,000
<hr/>		
Retirement Contribution Increase Revolving Fund		
Appropriation	\$ 1,954,000	9,494,000
Total Appropriation	\$((25,557,000))	
		26,035,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$231,000 of the general fund—state appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system.

(2) \$4,108,000 of the general fund—state appropriation, \$948,000 of the general fund—federal appropriation, and \$4,349,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute House Bill No. 1322. ~~((if the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(3) \$6,544,000 of the general fund—state appropriation, \$1,486,000 of the general fund—federal appropriation, and \$7,157,000 of the retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees' retirement system resulting from Engrossed Substitute Senate Bill No. 5418. ~~((if the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(4) \$343,000, or as much as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Engrossed Substitute House Bill No. 1322. ~~((if the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(5) \$391,000, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers' retirement fund resulting from Substitute Senate Bill No. 5418. ~~((if the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.))~~

(6) \$30,000 of the general fund—state appropriation and \$448,000 of the state patrol highway account appropriation or as much thereof as may be necessary, shall be distributed to state agencies for increased contributions to the Washington state patrol retirement system under chapter 273, Laws of 1989.

Sec. 711. Section 718, chapter 19, Laws of 1989 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Institutional Impact Account	\$	332,536
General Fund Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund	\$	796,539
Liquor Revolving Account Appropriation: For transfer to the Miscellaneous Fund—Tort Claims Revolving Fund	\$	160,000
General Government Special Revenue Fund—State Treasurer's Service Account Appropriation: For transfer to the general fund on or before July 20, 1991, an amount up to \$10,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1992, for credit to the fiscal year in which earned	\$	10,000,000
General Fund Appropriation: For transfer to the Natural Resources Fund—Water Quality Account	\$	15,378,000
Data Processing Revolving Account: For transfer to the General Fund	\$	2,400,000
Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund	\$	((3,110,000))
		2,400,000
Public Facility Construction Loan Revolving Account: For transfer to the Public Facilities Construction Loan and Grant Revolving Account	\$	430,000
Public Facilities Construction Loan and Grant Revolving Account: For transfer to the Economic Development Finance Authority Account contingent on an equal amount being transferred from the Public Facility Construction Loan Revolving Account to the Public Facilities Construction Loan and Grant Revolving Account. If the transfer to the Public Facilities Construction Loan and Grant Revolving Account does not occur, the transfer to the Economic Development Finance Authority Account shall not occur	\$	430,000

Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation, Washington state ferry system during the period July 1, 1989, through June 30, 1991	\$	1,353,000
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on behalf of the department of transportation and the state patrol during the period July 1, 1989, through June 30, 1991	\$	14,000,000
Resource Cost Management Cost Account: For transfer to the University of Washington Bond Retirement Account	\$	15,000,000
<u>Resource Management Cost Account: For transfer to the Agricultural College Permanent Account, the Normal School Permanent Account, and the University of Washington Bond Retirement Account a maximum of \$20,000,000. The distribution of the transfer to these beneficiary accounts will be determined by the department of natural resources</u>	<u>\$</u>	<u>20,000,000</u>
Water Quality Account Appropriation: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit	\$	15,800,000
Building Code Council Account Appropriation: For transfer to the general fund	\$	210,000
General Fund Appropriation, FY 1991: For transfer to the law enforcement officers' and fire fighters' retirement system as provided in Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, this appropriation shall lapse	\$	((62,167,000)) <u>60,267,000</u>
Conservation Areas Account: For transfer to the Natural Resources Conservation Area Stewardship Account	\$	((364,000)) <u>2,832,000</u>

PART VIII
MISCELLANEOUS

NEW SECTION. Sec. 801. This act is subject to the provisions, definitions, conditions, and limitations of chapter 19, Laws of 1989 1st ex. sess., as amended by this act.

Sec. 802. Section 7, chapter 40, Laws of 1982 1st ex. sess. as amended by section 4, chapter 60, Laws of 1983 1st ex. sess. and RCW 43.160.070 are each amended to read as follows:

(1) Public facilities loans and grants, when authorized by the board, are subject to the following conditions:

(a) The moneys in the public facilities construction loan revolving ~~((account)) fund~~ shall be used solely to fulfill commitments arising from loans or grants authorized in this chapter or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by the legislature. The total outstanding amount which the board shall disburse at any time pursuant to this section shall not exceed the moneys available from the ~~((account)) fund~~. The total amount of outstanding loans and grants in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding loans and grants disbursed by the board.

(b) Financial assistance through the loans or grants may be used directly or indirectly for any facility for public purposes, including, but not limited to, sewer or other waste disposal facilities, arterials, bridges, access roads, port facilities, or water distribution and purification facilities.

(c) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans as the board determines. The loans shall not exceed twenty years in duration.

(d) Repayments of loans made under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving ~~((account)) fund~~.

(2) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist.

NEW SECTION. Sec. 803. 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. 804. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 43.160.070; amending sections 101, 102, 103, 105, 108, 110, 111, 112, 114, 115, 116, 117, 120, 122, 123, 125, 130, 131, 132, 137, 139, 140, 144, 146, 147, 148, 149, 202, 203, 204, 205,

206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 218, 219, 220, 221, 224, 225, 227, 228, 231, 233, 301, 304, 306, 307, 308, 309, 313, 314, 315, 317, 318, 319, 401, 402, 501, 502, 503, 504, 505, 507, 508, 510, 513, 515, 516, 517, 518, 520, 521, 523, 601, 602, 603, 604, 605, 606, 607, 608, 610, 614, 618, 701, 702, 708, 712, 714, 715, 716, and 718, chapter 19, Laws of 1989 1st ex. sess.; amending section 14, chapter 10, Laws of 1989 1st ex. sess.; amending sections 407, 409, 414, and 419, chapter 271, Laws of 1989; adding a new section to chapter 6, Laws of 1989 1st ex. sess.; creating new sections; repealing section 236, chapter 19, Laws of 1989 1st ex. sess.; making appropriations; and declaring an emergency."

Signed by Senators McDonald, Cantu, Gaspard; Representatives Locke, Ebersole, Silver.

MOTION

On motion of Mr. Locke, the Report of the Conference Committee on Substitute Senate Bill No. 6407 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

April 1, 1990

Mr. Speaker:

Under suspension of rules, the Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929, and passed the bill as amended by the Free Conference Committee. The Report of the Free Conference Committee is herewith transmitted.

W. D. Naismith, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 1, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2929, enacting comprehensive growth planning provisions, have had the same under consideration and we recommend that the measure be amended as proposed under the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 2929, today's Journal.)

Signed by Senators Vognild, Amondson; Representatives Cantwell, Nutley, Betzoff.

With consent of the House, House Rule 26 was suspended.

MOTION

Ms. Cantwell moved that the House adopt the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 2929. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2929 as amended by Free Conference Committee.

Representatives Cantwell, Betzoff, Nutley, Hargrove and Wineberry spoke in favor of passage of the bill, and Mr. Braddock spoke against it.

POINT OF INQUIRY

Ms. Cantwell yielded to question by Mr. Jacobsen.

Mr. Jacobsen: Would you please explain the purpose of the bid information-notification section?

Ms. Cantwell: Thank you, Representative Jacobsen. If you are talking about the section of the bill dealing with economic development, it is to further the notification to help businesses which obviously is part of what this bill still does--to encourage economic development and growth and to have such notification through the Department of Trade and Economic Development available.

Ms. Haugen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2929 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 72; nays, 21; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Basich, Bennett, Betrozoff, Brekke, Brough, Cantwell, Cole, Cooper, Crane, Dellwo, Dorn, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Fomer, Fraser, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jones, King P, King R, Leonard, Locke, May, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Pruitt, Raiter, Rasmussen, Rust, Sayan, Schoon, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Ballard, Baugher, Bowman, Braddock, Brooks, Brumsickle, Day, Ellis, Fuhrman, Hankins, Jacobsen, Jesernig, Kremen, McLean, Prince, Rayburn, Rector, Schmidt, Silver, Smith, Wolfe - 21.

Excused: Representatives Beck, Belcher, Kirby, Morris, Padden - 5.

Engrossed Substitute House Bill No. 2929 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 1, 1990

Mr. Speaker:

The Senate has passed:

ReENGROSSED SUBSTITUTE HOUSE BILL NO. 2964.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

April 1, 1990

Mr. Speaker:

The Senate has concurred in the House amendments to REENGROSSED SUBSTITUTE SENATE BILL NO. 6412 and passed the bill as amended by the House.

W. D. Naismith, Assistant Secretary.

April 1, 1990

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 6407, and has granted said committee the powers of Free Conference.

Gordon A. Golob, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

April 1, 1990

Mr. Speaker:

We of your Free Conference Committee to whom was referred SUBSTITUTE SENATE BILL NO. 6407, adopting a supplemental operating budget, have had the same under consideration and we recommend that the bill be amended as proposed in the request for Free Conference and that the bill do pass as amended by the Free Conference Committee.

(See Report of Conference Committee on Substitute Senate Bill No. 6407, today's Journal.)

Signed by Senators McDonald, Cantu, Gaspard; Representatives Locke, Ebersole, Silver.

MOTION

On motion of Mr. Locke, House Rule 26 was suspended.

MOTION

Mr. Locke moved that the House adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 6407. The motion was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6407 as amended by Free Conference Committee.

Representatives Locke, Silver, Ebersole, Leonard, Sayan and Heavey spoke in favor of passage of the bill.

Mr. Heavey demanded the previous question, and the demand was sustained.

Mr. Locke again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6407 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ellis, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Beck, Belcher, Kirby, Morris, Padden - 5.

Substitute Senate Bill No. 6407 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 2230,
SUBSTITUTE HOUSE BILL NO. 2929,
SUBSTITUTE HOUSE BILL NO. 2964,
SUBSTITUTE HOUSE BILL NO. 3035,
HOUSE CONCURRENT RESOLUTION NO. 4446.

MESSAGE FROM THE SENATE

April 1, 1990

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6412,
SENATE CONCURRENT RESOLUTION NO. 8448,
SUBSTITUTE HOUSE BILL NO. 2230,
SUBSTITUTE HOUSE BILL NO. 2929,
SUBSTITUTE HOUSE BILL NO. 2964,
SUBSTITUTE HOUSE BILL NO. 3035,
HOUSE CONCURRENT RESOLUTION NO. 4446,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 6412,
SENATE CONCURRENT RESOLUTION NO. 8448.

MESSAGE FROM THE SENATE

March 30, 1990

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6114.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTION AND FIRST READING

ESB 6114 by Senator McDonald

Relating to corrections.

With consent of the House, the rules were suspended and Engrossed Senate Bill No. 6114 was advanced to second reading and read the second time in full.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6114, and the bill passed the House by the following vote: Yeas, 86; nays, 4; absent, 3; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Bennett, Betzoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Doty, Ebersole, Ellis, Ferguson, Fisher G, Fisher R, Former, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, McLean, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Todd, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Dorn, Haugen, Meyers R, Valle - 4.

Absent: Representatives Dellwo, May, Rasmussen - 3.

Excused: Representatives Beck, Belcher, Kirby, Morris, Padden - 5.

Engrossed Senate Bill No. 6114, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Regarding Engrossed Senate Bill No. 6114, please indicate a "Yes" vote for me on final passage.

FRED O. MAY, 41st District.

PRESENTATION OF GIFT TO THE SPEAKER

On behalf of the members of the House of Representatives, Representatives Hine and Prince presented to Speaker King the gift of a Japanese Zelkova Serrata, which will be planted in Waterfront Park in Vancouver, Washington, on Arbor Day 1990.

SPEAKER'S PRIVILEGE

The Speaker: Thanks to all of you. What an absolutely wonderful idea. I hope that the tree has a long life span and will be around for a long time in this wonderful, small park which the city has reclaimed. It is very close to the Clark College campus and to the branch campus of Washington State University.

I would take just a moment to thank the members again for allowing me the privilege of serving as Speaker for the entire House. It is an honor that I take very seriously, and I am aware that it is an office for the entire House, not just for the Democrats. I hope that I have lived up to your high expectations. I have done nothing in my life that challenges, stimulates, excites and rewards me as much as being able to serve as your leader. I would like to take this opportunity to thank my counterpart and the Leader of the Minority Party, Representative Clyde Ballard, who leads with distinction, honor and a sense of fairness always. He has added to our ability to get our work done in a very gracious manner. Clyde, thank you very much for your help. And thank you all for this honor.

POINT OF PERSONAL PRIVILEGE

Mr. Ballard: Mr. Speaker, I think it would be very appropriate, on behalf of the Republican Caucus, to say thank you. I can hardly believe that we have concluded two sessions. I was beginning to wonder if we were ever going to conclude this session, but here we are doing that at a nice early time in the morning. There have been a lot of challenging times and a lot of times, working together beyond the issues, that have cemented our friendships. On behalf of the Minority Party, let me say thank you very much. And, to all of the members, we don't always agree, but I can tell you it has been a pleasure. We look upon these friendships, interestingly enough, as some of our closest friendships. Thank you very much, Mr. Speaker.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

April 1, 1990

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6910,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTION AND FIRST READING

SB 6910 by Senators Newhouse and Matson

Funding criminal justice enhancement for Yakima county.

MOTION

On motion of Mr. Ebersole, the rules were suspended and Senate Bill No. 6910 was advanced to second reading and read the second time in full.

Mr. Inslee moved adoption of the following amendment by Representatives Inslee, Baugher and Rayburn:

On page 1, line 4, after "million" insert "five hundred thousand"

Mr. Inslee spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6910 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 1; excused, 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Bennett, Betrozoff, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Dorn, Doty, Ebersole, Ellis, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprengle, Tate, Todd, Valle, Van Luvan, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wolfe, Wood, Youngsman, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representative Haugen - 1.

Excused: Representatives Beck, Belcher, Kirby, Morris, Padden - 5.

Senate Bill No. 6910 as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 1, 1990

Mr. Speaker:

Under suspension of rules, the Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 6407, and passed the bill as amended by the Free Conference Committee.

W. D. Naismith, Assistant Secretary.

The Speaker called on Representative Wang to preside.

MESSAGE FROM THE SENATE

April 1, 1990

Mr. Speaker:

The President has signed:

SENATE BILL NO. 6114.

SENATE BILL NO. 6344.

SUBSTITUTE SENATE BILL NO. 6407.

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. Wang presiding) announced the Speaker had signed:

SENATE BILL NO. 6114.

SENATE BILL NO. 6344.

SUBSTITUTE SENATE BILL NO. 6407.

INTRODUCTION AND FIRST READING

HCR 4447 by Representatives Ebersole and BallardAdjourning the legislature Sine Die.

MOTIONS

On motion of Mr. Heavey, the rules were suspended and House Concurrent Resolution No. 4447 was advanced to second reading and read the second time in full.

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

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

House Concurrent Resolution No. 4447 was adopted.

MESSAGE FROM THE SENATE

April 1, 1990

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4447.

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. Wang presiding) announced the Speaker had signed:

HOUSE CONCURRENT RESOLUTION NO. 4447.

MESSAGE FROM THE SENATE

April 1, 1990

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4447.

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

The Speaker (Mr. Wang presiding) called on Representative Hine to preside.

MOTION

On motion of Mr. Heavey, reading of the Journal of the Twenty-Fourth Day of the 1990 First Special Session of the Fifty-First Legislature was dispensed with and it was ordered to stand approved.

MOTION

On motion of Mr. Heavey, the 1990 First Special Session of the Fifty-First Legislature was adjourned Sine Die.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SECOND SPECIAL SESSION

FIRST DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, June 5, 1990

The House was called to order at 11:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Dorn, Gallagher, Grant and Todd. With consent of the House, Representatives Dorn and Grant were excused.

Prayer was offered by Representative Doug Sayan:

O Lord, we learn as children about your awesome power--how You delivered Daniel from the lion's den and how You delivered Jonah from the belly of the whale. So now we petition You again, hoping You are not fresh out of miracles, to deliver us from our deliberations within this day. Help us to recognize the legitimate concerns of our colleagues as they speak for their constituencies and not to rush to judgment in our haste to do something about this issue. Above all, O Lord, help us to remember that security of our citizens is paramount and that partisanship is not at issue. And, finally, O Lord, You have said that where two or more are gathered, there You will be also. So be it. We ask, however, that You not leave before we do. Stay with us; we will need You. And we ask this in the Master's Name. Amen.

MESSAGE FROM THE SECRETARY OF STATE

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

Mr. Speaker:

I have attached a full, true, and correct copy of Proclamation No. 90-06 of the Governor calling a special session of the Washington State Legislature to be convened at 11:00 a.m. on June 5, 1990.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this 5th day of June, 1990.

(Seal)

RALPH MUNRO, Secretary of State.

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68), the 1990 First Special Session adjourned April 1, 1990, without finishing its essential tasks; and

WHEREAS, it is therefore necessary for me to convene a Second Special Session for the purposes of adequately addressing matters related to local government financing of criminal justice;

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the State of Washington on Tuesday, the fifth day of June, 1990, at 11:00 a.m.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 24th day of May, A.D., nineteen hundred and ninety.

(Seal)

BOOTH GARDNER,
Governor.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

INTRODUCTIONS AND FIRST READING

HB 3039 by Representatives Hine, Ballard, Wang, Haugen, Rector, Morris, Spanel, Rasmussen, Pruitt and Dellwo; by request of Governor Gardner

AN ACT Relating to local government; amending RCW 82.14.050, 82.14.060, 43.84.090, 43.84.092, 63.29.190, 46.16.216, 46.20.270, 84.52.054, 17.28.100, 17.28.252, 35.58.090, 35.58.116, 35.61.210, 36.58.150, 36.60.040, 36.68.480, 36.69.140, 36.83.030, 56.04.050, 57.04.050, 67.38.130, 70.44.060, 70.94.091, 84.52.010, 84.52.043, 84.52.052, 84.52.053, 84.52.056, 84.69.020, 43.135.060, 82.44.110, 82.14.210, and 81.---,--- (section 43, chapter 43, Laws of 1990); reenacting and amending RCW 36.68.520; adding a new section to chapter 82.44 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 63.29 RCW; adding a new section to chapter 84.52 RCW; repealing RCW 29.30.111, 36.68.525, 36.69.145, and 84.52.069; creating new sections; making appropriations; providing expiration dates; providing effective dates; providing a contingent effective date; and declaring an emergency.

HJR 4231 by Representatives Hine, Ballard, Wang, Haugen, Phillips, Locke, Morris, Spanel, Rasmussen and Pruitt; by request of Governor Gardner

Authorizing six-year property tax levies.

MOTION

On motion of Mr. Ebersole, the rules were suspended and House Joint Resolution No. 4231 was advanced to second reading and read the second time in full.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Hine, Ebersole, Brough, Haugen, Horn, Ferguson and Wang spoke in favor of passage of the resolution, and Representatives Berozoff, Silver and Padden spoke against it. Ms. Hine again spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Resolution No. 4231, and the resolution passed the House by the following vote: Yeas, 80; nays, 14; absent, 2; excused, 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher G, Fisher R, Forner, Fraser, Hankins, Hargrove, Haugen, Hine, Holland, Horn, Inslie, Jacobsen, Jesernig, Jones, King P, King R, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Myers H, Nealey, Nelson, Nutley, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schoon, Scott, Sommers H, Spanel, Sprenkle, Tate, Valle, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 80.

Voting nay: Representatives Berozoff, Ellis, Fuhrman, Heavey, Kirby, Miller, Moyer, Padden, Schmidt, Silver, Smith, Sommers D, Van Luvan, Wolfe - 14.

Absent: Representatives Gallagher, Todd - 2.

Excused: Representatives Dorn, Grant - 2.

House Joint Resolution No. 4231, having received the constitutional two-thirds majority, was declared passed.

The Speaker declared the House to be at ease until 2:30 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 2:30 p.m.

Representative Gallagher appeared at the bar of the House.

With consent of the House, Representative Todd was excused.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

June 5, 1990

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6913,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

INTRODUCTION AND FIRST READING

ESB 6913 by Senators Hayner, Vognild and Patrick; by request of Governor

Providing for local criminal justice and other fiscal assistance.

With consent of the House, the rules were suspended and Engrossed Senate Bill No. 6913 was advanced to second reading and read the second time in full.

Mr. Padden moved adoption of the following amendment:

Beginning on page 46, line 6, strike all of sections 901 and 902, and insert:

NEW SECTION, Sec. 901. A new section is added to chapter 82.44 RCW to read as follows:

The state treasurer based upon information provided by the department of licensing shall make the following apportionment and distribution of motor vehicle excise taxes deposited in the general fund, except taxes collected under RCW 82.44.020(6), in addition to and at the same times as the distributions under RCW 82.44.150: A sum equal to 10.7012 percent thereof shall be allocable to the county criminal justice assistance account for distribution under section 902 of this act.

This section expires January 1, 1994.

NEW SECTION, Sec. 902. A new section is added to chapter 82.14 RCW to read as follows:

(1) The moneys deposited in the county criminal justice assistance account for distribution under this section shall be distributed at such times as distributions are made under RCW 82.44.150. Such moneys shall be distributed as provided in this section.

(2) Each county with a population of two hundred thousand or more, and each other county with a population of one hundred fifty thousand or more that has had its population increase by at least twenty-four percent during the preceding nine years, as certified by the office of financial management for the first day of April of each year, and each city within these counties is eligible to receive distributions under this section.

(3) The department shall determine the amount that would be generated each calendar quarter by a tax imposed under this section within each eligible county at a rate equal to one-tenth of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax).

(4) The state treasurer shall distribute an amount equal to ten percent of the amount determined for each county under subsection (3) of this section to that county. The remainder of the amount determined for each county under subsection (3) of this section shall be distributed to the county and the cities within the county ratably based on population as last determined by the office of financial management. In making the distribution based on population, the county shall receive that proportion that the unincorporated population of the county bears to the total population of the county and each city shall receive that proportion that the city incorporated population bears to the total county population.

(5) Moneys received from any tax imposed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding.

(6) This section expires January 1, 1994.

Sec. 903. Section 43, chapter 43, Laws of 1990 and RCW 81.---,--- are each amended to read as follows:

The legislative bodies of cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, solely for the purpose of providing high capacity transportation service may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, county transportation authority, metropolitan municipal corporation, or public transportation benefit area, as the case may be. The maximum rate of such tax shall be approved by the voters and shall not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed shall not exceed nine-tenths of one percent while distributions are made to the county under section 902 of this 1990 act.

NEW SECTION. Sec. 904. The sum of thirty-five million eight hundred thousand dollars is appropriated from the county criminal justice assistance account to the state treasurer for the biennium ending June 30, 1991, for distribution under section 902 of this act."

Representatives Padden and Wolfe spoke in favor of adoption of the amendment, and Representatives Locke and Ballard opposed it. The amendment was not adopted.

Mr. Betzoff moved adoption of the following amendment by Representatives Betzoff, Schmidt, Fuhrman, Youngsman, Padden, Wolfe and Silver:

On page 13, line 24, strike all of "PART V" through page 39, line 9.

Re-number following sections and correct internal references accordingly.

Representatives Betzoff and Silver spoke in favor of adoption of the amendment, and Representatives Wang and Horn opposed it. The amendment was not adopted.

Ms. Silver moved adoption of the following amendments by Representatives Silver, Betzoff, Fuhrman, Youngsman, Forner, Padden, Wolfe, Moyer and Schmidt:

On page 14, line 3, following "rate" strike "or rates"

On page 14, line 4, following "amounts," strike "or amounts, or in terms of a dollar rate or rates of tax levy. If the additional tax is expressed in terms of dollars."

On page 14, line 12, following "terms of" strike "of either"

On page 14, line 13, following "forth)" strike ", or a dollar rate of tax levy."

On page 14, line 15, following "amount" strike "or rate of tax levy"

Correct internal references accordingly.

Representatives Silver and Betzoff spoke in favor of adoption of the amendments, and Ms. Haugen opposed them. The amendments were not adopted.

Mr. Braddock moved adoption of the following amendments by Representatives Braddock, R. Meyers, Kremen, Zellinsky, Sayan, Vekich and Spanel:

On page 46, beginning on line 8, strike "two hundred" and insert "one hundred and fifteen"

On page 46, line 9, after "county" strike everything through "more" on line 10

On page 46, line 11, strike "twenty-four" and insert "twenty"

Representatives Braddock, Sayan, Kremen, Vekich, Pruitt, R. Meyers, Zellinsky and Baugher spoke in favor of adoption of the amendments, and Ms. Hine opposed them.

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

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Braddock and others to Engrossed Senate Bill No. 6913, and the amendments were not adopted by the following vote: Yeas, 31; nays, 64; excused, 3.

Voting yea: Representatives Appelwick, Baugher, Belcher, Bennett, Braddock, Brekke, Cole, Day, Haugen, Heavey, Holland, Jones, Kremen, Locke, Meyers R. Morris, Pruitt, Rutter, Rasmussen, Rust, Sayan, Schmidt, Scott, Smith, Sommers H. Spanel, Sprengle, Van Luven, Vekich, Wilson S. Zellinsky - 31.

Voting nay: Representatives Anderson, Ballard, Basich, Beck, Betzoff, Bowman, Brooks, Brough, Brunsickle, Cantwell, Cooper, Crane, Dellwo, Doty, Ebersole, Ellis, Ferguson, Fisher G, Fisher R, Forner, Fraser, Fuhrman, Gallagher, Hankins, Hargrove, Hine, Horn, Inslie, Jacobsen, Jesernig, King P, King R, Kirby, Leonard, May, McLean, Miller, Moyer, Myers H, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Phillips, Prentice, Prince, Rayburn, Rector, Schoon, Silver, Sommers D, Tate, Valle, Walker, Wang, Wilson K, Wineberry, Winsley, Wolfe, Wood, Youngsman, and Mr. Speaker - 64.

Excused: Representatives Dorn, Grant, Todd - 3.

Mr. R. Meyers moved adoption of the following amendment by Representatives R. Meyers, Braddock and Zellinsky:

On page 46, beginning on line 10, after "hundred" strike "fifty thousand or more that has had its population increase by at least twenty-four" and insert "fifteen thousand or more that has had its population increase by at least thirteen".

Mr. R. Meyers spoke in favor of adoption of the amendment, and Ms. Hine opposed it. The amendment was not adopted.

Mr. Padden moved adoption of the following amendment by Representatives Padden, Holland, May and Fuhrman:

On page 47, line 5, after "funding," insert "This tax shall be voted on separately and shall not be included in a vote on taxes authorized in Section 902 of this act."

Mr. Padden spoke in favor of adoption of the amendment, and Ms. Hine opposed it. The amendment was not adopted.

The Clerk read the following amendment by Representatives R. Meyers, Braddock and Zellinsky:

On page 46, line 10, beginning with "fifty" strike everything through "may" on line 13, and insert "fifteen thousand or more may submit".

With consent of the House, Mr. R. Meyers withdrew the amendment.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Hine spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Hine yielded to question by Mr. Ballard.

Mr. Ballard: Representative Hine, does the task force intend to review the criminal justice services that cities and counties are providing to determine whether or not they are both appropriate and being provided in the most efficient manner?

Ms. Hine: Yes, Representative Ballard. The task force will carefully examine all criminal justice services to determine their effectiveness. They will also be examining methods for pooling efforts and cooperation between and among local jurisdictions for the most efficient use of resources. That is part of their function.

Representatives Ballard, Appelwick, Jones, Doty and Smith spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Hine yielded to question by Mr. Kirby.

Mr. Kirby: Some of the funds in this bill are distributed to cities and counties on the basis of the jurisdiction's crime rate as published by the Association of Sheriffs and Police Chiefs. What happens if a city or county failed to report its 1988 crime rate or if they filed late?

Ms. Hine: Thank you, Representative Kirby. There is nothing in the bill that prevents the Association from publishing an addendum or supplement to pick up those jurisdictions that failed to file their 1988 report. This is what we hope they will do, and these new figures can be used by the State Treasurer for all subsequent distribution of funds.

Representatives Wang, Horn, Rector and Moyer spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Hine yielded to question by Mr. Locke.

Mr. Locke: Representative Hine, there are numerous sections throughout this legislation, Engrossed Senate Bill No. 6913, that require this money to be used exclusively for criminal justice purposes and prohibit supplanting or replacement of existing funds. You and Representative Ballard, I believe, were the representatives of the House in crafting this language, and it was primarily the House members who insisted on this language. Are there any intended exceptions to this language, or is the language to be read and taken literally?

Ms. Hine: Thank you, Representative Locke. The language is such: "Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding." That is the purpose. I think it says it very clearly.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6913, and the bill passed the House by the following vote: Yeas, 89; nays, 5; absent, 1; excused, 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Baugher, Beck, Belcher, Bennett, Bowman, Braddock, Brekke, Brooks, Brough, Brumsickle, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ellis, Ferguson, Fisher G, Fisher R, Forner, Fraser, Gallagher, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Jesernig, Jones, King P, King R, Kirby, Kremen, Leonard, Locke, May, McLean, Meyers R, Morris, Moyer, Myers H, Nealey, Nelson, O'Brien, Peery, Phillips, Prentice, Prince, Pruitt, Raiter, Rasmussen, Rayburn, Rector, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith, Sommers D, Sommers H, Spanel, Sprenkle, Tate, Valle, Van Luven, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Wood, Youngsman, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Berozoff, Fuhrman, Miller, Padden, Wolfe - 5.

Absent: Representative Nutley - 1.

Excused: Representatives Dorn, Grant, Todd - 3.

Engrossed Senate Bill No. 6913, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I voted "yes" on final passage of Engrossed Senate Bill No. 6913. The machine did not record my vote.

BUSSE NUTLEY, 49th District.

ANNOUNCEMENT BY THE SPEAKER

The Speaker referred House Bill No. 3039 listed on today's introduction sheet under the fourth order of business to Committee on Rules.

MESSAGE FROM THE SENATE

June 5, 1990

Mr. Speaker:

The Senate has passed:

HOUSE JOINT RESOLUTION NO. 4231,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE JOINT RESOLUTION NO. 4231.

INTRODUCTION AND FIRST READING

HCR 4448 by Representatives Ebersole

Adjourning the legislature Sine Die.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and House Concurrent Resolution No. 4448 was advanced to second reading and read the second time in full.

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

House Concurrent Resolution No. 4448 was adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

June 5, 1990

Mr. Speaker:

The President has signed:

SENATE BILL NO. 6913,
HOUSE JOINT RESOLUTION NO. 4231,

and the same are herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 6913.

MESSAGE FROM THE SENATE

June 5, 1990

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4448,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4448.

MESSAGE FROM THE SENATE

June 5, 1990

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4448,

and the same is herewith transmitted.

W. D. Naismith, Assistant Secretary.

MOTION

On motion of Ms. Hine, reading of the Journal of the First Day of the 1990 Second Special Session of the Fifty-First Legislature was dispensed with and it was ordered to stand approved.

MOTION

On motion of Ms. Hine, the 1990 Second Special Session of the Fifty-First Legislature was adjourned Sine Die.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

HOUSE LEGISLATIVE LEADERS

Fifty-First Legislature
 1990 Regular Session
 1990 First Special Session
 1990 Second Special Session

DEMOCRATIC LEADERSHIP

Speaker	Joseph E. King
Speaker Pro Tempore	John L. O'Brien
Majority Leader	Brian Ebersole
Democratic Caucus Chair	Lorraine A. Hine
Assistant Majority Leader	Mike Heavey
Majority Whip	Jim Jesernig
Assistant Majority Whip	Grace Cole
Assistant Majority Whip	Randy Dorn
Assistant Majority Whip	Karen Fraser
Assistant Majority Whip	Holly Myers
Democratic Caucus Vice Chair/Secretary	Cal Anderson

REPUBLICAN LEADERSHIP

Minority Leader	Clyde Ballard
Republican Caucus Chair	Eugene Prince
Minority Floor Leader	Jean Marie Brough
Minority Whip	Louise Miller
Assistant Minority Floor Leader	Fred May
Assistant Minority Floor Leader	Steve Fuhrman
Republican Organization Leader	Shirley Hankins
Republican Caucus Vice Chair	Sally Walker
Assistant Minority Whip	Dick Schoon
Assistant Minority Whip	Duane Sommers
Assistant Minority Whip	Rose Bowman
Assistant Republican Organization Leader	Bill Brumsickle

1976 1990 — HOUSE ROSTER FIFTY-FIRST LEGISLATURE

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Anderson, Cal	43	D	King, part	401 Broadway Ave. E. #39 Seattle 98102-5009
Appelwick, Marlin J.	46	D	King, part	2611 NE 125th - Suite 104 Seattle 98125
Ballard, Clyde	12	R	Chelan Douglas Grant, part Kittitas, part Okanogan, part	1790 N. Baker Street East Wenatchee 98802
Basich, Bob	19B	D	Pacific Grays Harbor, part Wahkiakum, part	510 Sumner Aberdeen 98520
Baugher, Forrest	15	D	Benton, part Yakima, part	Box 92 Parker 98939
Beck, John Byron	21	R	Snohomish, part	P.O. Box 1043 Edmonds 98020
Belcher, Jennifer M.	22	D	Thurston, part	323 Maple Park Olympia 98501
Bennett, Don	25	D	Pierce, part	6724 Pioneer Way East Puyallup 98371
Betrozoff, John W.	45	R	King, part	11818 156th Avenue NE Redmond 98052
Bowman, Rose	20	R	Lewis Thurston, part	416 West Cherry Centralia 98531
Braddock, Dennis	42	D	Whatcom, part	P.O. Box 5228 Bellingham 98227
Brekke, Joanne	32	D	King, part	6525 Sycamore NW Seattle 98117
Brooks, Peter T.	16	R	Walla Walla Benton, part Franklin, part	J.L. O'Brien Bldg. 324 Olympia 98504
Brough, Jean Marie	30	R	King, part Pierce, part	1118 S. 287th Place Federal Way 98003
Brumsickle, Bill	20	R	Lewis Thurston, part	1015 Spring Lane Centralia 98531
Cantwell, Maria	44	D	King, part Snohomish, part	J.L. O'Brien Bldg. 240 Olympia 98504
Chandle, Glyn (Deceased 2/28/90)	13	R	Adams, part Grant, part Kittitas, part Yakima, part	1816 Dunn Street Moses Lake 98837
Cole, Grace	1	D	King, part Snohomish, part	3026 NE 163rd Street Seattle 98155

Age	Birthplace	Occupation	Previous Years Served
1948	Washington	Legislator	Appt. 11/9/87-1989
1953	Minnesota	Attorney	1983-1989
1936	Arkansas	Property Management	1983-1989
1927	Washington	Retired Teacher	1985-1989
1934	Washington	Orchardist	1985-1989
1944	Washington	Owner/President Funeral Home Corporation	1987-1989
1944	West Virginia	Management Consultant	1983-1989
1957	Oregon	Washington State School Directors Assn	Appt. 1/17/90
1935	Washington	Property Manager	1983-1989
1945	Oklahoma	Owner Kresky Auto Repair & Elec.	1989
1943	Washington	Planning Consultant	1983-1989
1935	Washington	Legislator	1979-1989
1916	Massachusetts	Retired	1985-1989
1942	Washington, D.C.	Legislator	1983-1989
1935	Washington	Retired/Education	1989
1958	Indiana	Consultant/ Public Affairs	1987-1989
1926	Idaho	Farm Equipment Dealer (Retired)	1983-1989
1926	Idaho	Home Economist	Appt. 1/11/82 1985-1989

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Cooper, David	18	D	Clark, part Cowlitz, part	P.O. Box 568 Battle Ground 98604
Crane, Ernest F.	31	D	King, part Pierce, part	220 1st Street NE Auburn 98002
Day, Bill	3	D	Spokane, part	P.O. Box 9161 Spokane 99209-9161
Dellwo, Dennis A.	3	D	Spokane, part	SeaFirst Center #1900 Spokane 99201
Dorn, Randy	2	D	Pierce, part Thurston, part	J.L. O'Brien Bldg. 302 Olympia 98504
Doty, Shirley L.	14	R	Yakima, part	4902 Englewood Yakima 98908
Ebersole, Brian	29	D	Pierce, part	Legislative Bldg. 3rd Floor Olympia 98504
Ellis, M. Keith	13	R	Adams, part Grant, part Kittitas, part Yakima, part	205 Silver Sands Moses Lake 98837
Ferguson, Roy A.	48	R	King, part	2955 - 162nd SE Bellevue 98008
Fisher, Greg	33	D	King, part	22022 6th Ave. South #211 Des Moines 98198
Fisher, Ruth	27	D	Pierce, part	1922 N. Prospect #9 Tacoma 98406
Fornier, Elmira	47	R	King, part	14420 SE 288th Kent 98042
Fraser, Karen	22	D	Thurston, part	6710 Sierra Drive SE Lacey 98503
Fuhrman, Steve	7	R	Ferry Lincoln Pend Oreille Stevens Okanogan, part Spokane, part	Route 1 Box 320 Kettle Falls 99141
Gallagher, P.J. (Jim)	29	D	Pierce, part	125 South 72nd Tacoma 98408
Grant, William A.	16	D	Walla Walla Benton, part Franklin, part	111 Merriam Walla Walla 99362
Hankins, Shirley	8	R	Benton, part	804 Van Giesen #8 Richland 99352
Hargrove, James E.	24	D	Clallam Jefferson Grays Harbor, part	Route 3, Box 896 Hoquiam 98550

Age	Birthplace	Occupation	Previous Years Served
1952	Oregon	Construction Business Owner	1987-1989
1921	Iowa	Attorney	1983-1989
1955	Washington	Business	1985-1989
1945	Washington, D.C.	Attorney	1983-1989
1953	Washington	Education Administrator	Appt. 12/18/87-1989
1930	Alaska	Teacher Rancher	1985-1989
1947	Maryland	Education Administrator	1983-1989
1925	Utah	President, Ellis & Assoc. Int.	Appt. 3/23/90
1934	Michigan	Retired Oil Company	1987-1989
1961	Washington	Public Relations Consultant	1989
1925	Washington	Retired	1983-1989
1941	Canada	Administrative Aide	Appt. 1/18/90
1944	Washington	Legislator	1989
1946	Washington	Grain Elevator Farm Supply	1983-1989
1915	Washington	Retired	1961-1989
1937	Washington	Wheat Farmer	1987-1989
1931	Kansas	Issues Analyst	1981-1989
1953	Oregon	Forester	1985-1989

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Haugen, Mary Margaret	10	D	Island Skagit, part Snohomish, part	1268 North Olsen Road Camano Island 98292
Heavey, Michael	34	D	King, part	9403 44th Avenue SW Seattle 98136
Hine, Lorraine A.	33	D	King, part	1834 South 229th Des Moines 98198
Holland, J. Bruce	47	R	King, part	14204 SE 180th Place Renton 98058
Horn, Jim	41	R	King, part	9507 SE 61st Place Mercer Island 98040
Inslee, Jay R.	14	D	Yakima, part	1226 Tibbling Road Selah 98942
Jacobsen, Ken	46	D	King, part	2611 NE 125th Suite 104 Seattle 98125
Jesernig, Jim	8	D	Benton, part	1117 W. Klamath Ave. Kennewick 99336
Jones, Evan	24	D	Clallam Jefferson Grays Harbor, part	101 Lochow Road Sequim 98382
King, Joseph E.	49	D	Clark, part	703 Broadway #700 Vancouver 98660
King, Paul H.	44	D	King, part Snohomish, part	22804 57th Avenue West Mountlake Terrace 98043
King, Richard A.	38	D	Snohomish, part	309 77th Place SW Everett 98203
Kirby, Neal	7	D	Ferry Lincoln Pend Oreille Stevens Spokane, part Okanogan, part	P.O. Box 124 Inchelium 99138
Kremen, Pete	42	D	Whatcom, part	3283 Northshore Road Bellingham 98226
Leonard, June	11	D	King, part	12444 Beacon Ave. South Seattle 98178
Locke, Gary F.	37	D	King, part	5150 S. Wildwood Lane Seattle 98118
May, Fred O.	41	R	King, part	15 Brook Bay Lane Mercer Island 98040

Age	Birthplace	Occupation	Previous Years Served
1941	Washington	Beauty Salon Owner/Operator	1983-1989
1946	Washington	Attorney	1987-1989
1930	South Dakota	Legislator	1980-1989
1943	Washington	Internal Auditor Boeing	1983-1989
1930	Illinois	Aerospace Management/ Boeing	1989
1951	Washington	Attorney	1989
1945	Nebraska	Self-employed	1983-1989
1956	Washington	Attorney	1987-1989
1947	California	Director, Olympic Area on Aging Agency	Appt. 11/9/87-1989
1945	Texas	Partner, Insurance Agency	1981-1989
1950	Washington	Attorney	1983-1989
1934	Washington	College Teacher	1965-1989
1952	California	Education School Administrator	Appt. 12/29/89
1951	New York	News Director	1985-1989
1926	Washington	Legislator	1985-1989
1950	Washington	Attorney	1983-1989
1919	California	Retired	1985-1989

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
McLean, Alex	12	R	Chelan Douglas Grant, part Kittitas, part Okanogan, part	P.O. Box 246 Mansfield 98830
Meyers, Ron	26	D	Kitsap, part Pierce, part	P.O. Box 879 Port Orchard 98366
Miller, Louise	45	R	King, part	17005 - 191st Avenue NE Woodinville 98072
Morris, Betty Sue	18	D	Clark, part Cowlitz, part	12633 NW 19th Loop Vancouver 98685
Moyer, John A.	6	R	Spokane, part	P.O. Box 8436 Spokane 99203
Myers, Holly	17	D	Klickitat Skamania Clark, part	2219 SE 146th Avenue Vancouver 98684
Nealey, Darwin R.	9	R	Asotin Columbia Garfield Whitman Adams, part Franklin, part	Box 365 LaCrosse 99143
Nelson, Dick	32	D	King, part	2208 NW Market St. #305 Seattle 98107
Nutley, Busse	49	D	Clark, part	409 West 37th Street Vancouver 98660
O'Brien, John L.	37	D	King, part	1305 Joseph Vance Bldg. Seattle 98101
Padden, Mike	4	R	Spokane, part	East 13021-9th Avenue Spokane 99216
Peery, W. Kim	17	D	Klickitat Skamania Clark, part	P.O. Box 1015 Camas 98607
Phillips, Larry	36	D	King, part	2624 - 34th West Seattle 98199
Prentice, Margarita	11	D	King, part	6225 S. Langston Road Seattle 98178
Prince, Eugene A.	9	R	Asotin Columbia Garfield Whitman Adams, part Franklin, part	P.O. Box 69 Thornton 99176
Pruitt, Wes	26	D	Kitsap, part Pierce, part	6215 55th Avenue Court Gig Harbor 98335

Age	Birthplace	Occupation	Previous Years Served
1935	Washington	Farmer	Appt. 4/22/86-1989
1950	Washington	Attorney	1987-1989
1936	California	Private Music Teacher	1983-1989
1941	Kansas	Legislator	1989
1922	Montana	Obstetrician/ Gynecologist	1987-1989
1955	Oregon	Teacher	1989
1919	Washington	Farmer	1983-1989
1936	Washington	Technical Consultant	1977-1989
1949	Washington	Land Use Planning Consultant	1985-1989
1911	Washington	C.P.A.	Appt. 10/39-1946 1949-1989
1946	Oregon	Attorney	1981-1989
1949	Washington	Insurance Agency Owner/Agent	Appt. 1/11/85-1989
1951	Washington	Legislator	1989
1931	California	Registered Nurse	Appt. 5/31/88-1989
1930	Washington	Farmer	1981-1989
1947	Vermont	School Policy Consultant	1987-1989

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Raiter, George L.	19A	D	Cowlitz, part Wahkiakum, part	1148 23rd Avenue Longview 98632
Rasmussen, Marilyn	2	D	Pierce, part Thurston, part	33419 Mountain Hwy East Eatonville 98328
Rayburn, Margaret	15	D	Benton, part Yakima, part	1610 South Euclid Road Grandview 98930
Rector, Shirley	5	D	Spokane, part	East 13222 Farwell Road Spokane 99207
Rust, Nancy S.	1	D	King, part Snohomish, part	18747 Ridgfield Road NW Seattle 98177
Sayan, Doug	35	D	Mason Grays Harbor, part Kitsap, part Thurston, part	East 360 Libby Road Shelton 98584
Schmidt, Karen	23	R	Kitsap, part	155 Madrone Lane North Bainbridge Island 98110
Schoon, Dick	30	R	King, part Pierce, part	P.O. Box 3247 Federal Way 98063
Scott, Pat	38	D	Snohomish, part	P.O. Box 3466 Everett 98203-8466
Silver, Jean	5	R	Spokane, part	N. 7102 Audubon Drive Spokane 99208
Smith, Curtis P.	13	R	Adams, part Grant, part Kittitas, part Yakima, part	Route 2 - 875 Rd. 1 NW Ephrata 98823
Sommers, Duane	6	R	Spokane, part	South 2812 Wall Spokane 99203
Sommers, Helen	36	D	King, part	2832 West Elmore Place Seattle 98199
Spanel, Harriet	40	D	San Juan Skagit, part Whatcom, part	901 Liberty Street Bellingham 98225
Sprenkle, Arthur C.	39B	D	Snohomish, part	14330 Tester Road Snohomish 98290
Tate, Randy	25	R	Pierce, part	5110 70th Ave. East Puyallup 98371
Todd, Mike	31	D	King, part Pierce, part	P.O. Box 1776 Auburn 98071
Valle, Georgette	34	D	King, part	Legislative Bldg. 401 Olympia 98504

Age	Birthplace	Occupation	Previous Years Served
1942	California	Engineering/ Maintenance Manager	1989
1939	Washington	Farmer School Board Member	1987-1989
1927	Oregon	Retired Teacher	1985-1989
1951	Arizona	Rollgrinder	1989
1928	Iowa	Legislator	1981-1989
1928	Washington	Retired	1983-1989
1945	California	Travel Agency, Owner	1981-1989
1931	Indiana	Purchasing Agent Weyerhaeuser	1983-1989
1938	Minnesota	Admin. Secretary Everett Police Dept.	Appt. 1/4/84-1989
1926	Washington	C.P.A.	1983-1989
1916	Nebraska	Farmer	1979-1989
1932	Washington	Health Care Consultant	1987-1989
1932	New Jersey	Economist	1973-1989
1938	Iowa	Legislator	1987-1989
1945	Pennsylvania	Physician	1987-1989
1965	Washington	Mgr. Majestic Mobile Manor, Inc.	1989
1947	Oregon	President, NW Energy Resources	1983-1989
1924	Minnesota	Occupational Therapist	1965-1967 1972-1982 1985-1989

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Van Luven, Steve	48	R	King, part	P.O. Box 3625 Bellevue 98009
Vekich, Max	35	D	Mason Grays Harbor, part Kitsap, part Thurston, part	J.L. O'Brien Bldg. 301 Olympia 98504
Walker, Sally W.	28	R	Pierce, part	4617 Bellview St. West Tacoma 98466
Wang, Art	27	D	Pierce, part	3319 N. Union Tacoma 98407
Wilson, Karla	39A	D	Snohomish, part	11406-17th Place NE Lake Stevens 98258
Wilson, Sim	10	R	Island Skagit, part Snohomish, part	P.O. Box 145 Marysville 98270
Wineberry, Jesse	43	D	King, part	340 15th Avenue East #300 Seattle 98112
Winsley, Shirley J.	28	R	Pierce, part	539 Buena Vista Avenue Fircrest 98466
Wolfe, Charles R.	4	R	Spokane, part	East 16320 Lincoln Road Spokane 99207
Wood, Jeannette	21	R	Snohomish, part	24223 Timberlane Woodway 98020
Youngsman, Jim	40	R	San Juan Skagit, part Whatcom, part	2021 E. College Way, #212 Mount Vernon 98273
Zellinsky, Sr., Paul	23	D	Kitsap, part	Sheridan Station Box 2107 Bremerton 98310
Thompson, Alan			Chief Clerk	191 Nob Lane Kelso 98626
Karras, Dennis			Deputy Chief Clerk	4735 Gravelly Beach Loop NW Olympia 98502
Young, Ross		D	Sergeant at Arms	1381 Linwood Ave. Tumwater 98502

Age	Birthplace	Occupation	Previous Years Served
1947	Washington	President/Owner Trade Brokerage	Appt. 11/9/1983- 1986, 1989
1954	Washington	Longshoreman	1983-1989
1929	Illinois	Legislator	1985-1989
1949	Massachusetts	Attorney	1981-1989
1934	Washington	Teacher	1985-1989
1927	Oregon	Newspaper Publisher	1973-1989
1955	Washington		1985-1989
1934	Minnesota	Legislator	Appt. 4/12/74 1977-1982 1985-1989
1931	Iowa	Physician	1989
1932	New York	Teacher	Appt. 7/27/88-1989
1938	Washington	Owner/ Skagit Gardens	1989
1933	Washington	Retired Owner/ Car Dealership	1983-1989
1927	Iowa	Publisher	<u>House:</u> 1965-1982 <u>Senate:</u> Appt. 11/16/82- 1986 <u>House:</u> Chief Clerk: 1987-1989
1947	Washington	Deputy Chief Clerk	1989
1930	Washington	Retired USAF	1975-1980 1983-1989

**HOUSE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Fifty-First Legislature
1990 Regular Session
1990 First Special Session
1990 Second Special Session

House No.	Relating to:	Chapter No.	Effective Date
	1055	45	3/14/90
S	1264	99	6/7/90
	1307	283	6/7/90
	1323	192	3/26/90
S	1394	39	6/7/90
S	1450	102	7/1/90
	1491	156 PV	6/7/90
	1523	46	6/7/90
S	1565	175	6/7/90
	1571	40	6/7/90
S	1597	223	6/7/90
2S	1653	211	6/7/90
	Sections 1-5		7/1/90
	1703	30	6/7/90
	1724	233	6/7/90
S	1824	88	6/7/90
S	1825	43 PV	3/14/90
	1881	38	6/7/90
	1890	126	6/7/90
	1957	78	6/7/90
	2032	32	6/7/90
2S	2077	280	6/7/90
2S	2122	246	6/7/90
S	2198	2	
	Sections 1-4, 6, 7, 9 and 10		3/1/90
	Sections 11 and 12		1/1/91
	Section 8		7/1/91
S	2230	11 E1	4/13/90
	2253	149	6/7/90
	2260	104	6/7/90
	2262	41	6/7/90
	2265	77	6/7/90
	2272	169	6/7/90
	2276	33	6/7/90
	2288	129	3/21/90
	2289	71	6/7/90
	2290	63	6/7/90
	2291	61	3/15/90
	2292	34	6/7/90
S	2293	35	3/13/90
	2294	36	6/7/90
S	2296	124	7/1/90
	2299	221	6/7/90

PV - Partial Veto; E1 - 1st Special Sess.; E2 - 2nd Special Sess.

HOUSE BILLS PASSED BY BOTH HOUSES

1989

House No.	Relating to:	Chapter No.	Effective Date	
	2306	Juror summoning	140	6/7/90
	2310	Land lease/state	47	6/7/90
	2312	Public funds investment acct	106	6/7/90
S	2327	Sunset review provisions	297	6/7/90
	2330	Taxing district levy rates	234	6/7/90
	2331	Teacher/abuse course requird	90	6/7/90
	2335	Cemeteries/preservation	92	6/7/90
S	2336	Controlled subst/penalties	244	6/7/90
S	2337	Collective bargaining sessns	98	6/7/90
S	2342	Fire sprinkler contractors	177 PV	6/7/90
		Sections 2-8 and 10		5/1/91
	2343	Tax information/secretcy	67	6/7/90
S	2344	Tax/electronic transf pymts	69	1/1/91
	2345	Enhanced food fish tax	214	6/7/90
S	2361	Grays Harbor dredging	1	1/26/90
	2362	Higher ed/ind ins programs	204	6/7/90
		Section 2		7/1/90
	2373	Bond information revised	220	6/7/90
S	2375	All kids can learn/grants	148	6/7/90
S	2378	Ed service district boards	159	6/7/90
2S	2379	Student enrollment options	9 E1 PV	4/11/90
S	2385	Alcohol/drug treatment laws	151	3/23/90
	2386	Permit fees/temporary	198	6/7/90
S	2390	Hazardous substances/regs	114	3/21/90
	2395	AIDS nursing homes	207	3/27/90
S	2403	Video telecommunications	208 PV	3/27/90
	2410	Hospice benefits extension	25	3/13/90
	2411	Health care authority	222 PV	6/7/90
	2413	Math achievement program	286	6/7/90
S	2416	Multiple insurance statutes	3 E1	7/1/90
S	2421	Jet ski safety	231	7/1/90
S	2426	Employr contrib/unemploy comp	245	6/7/90
		Section 1		3/28/90
		Sections 2, 3 and 6-9		7/1/90
	2429	Law enforcemnt vessels/elude	235	6/7/90
S	2430	Motor vehicle warranties	239	6/7/90
		Sections 2-10		1/1/91
	2438	State library employees	68	6/7/90
	2441	Disabled students task force	86	3/19/90
2S	2443	Magnuson biomedical institute	282 PV	6/7/90
	2445	Mobile parks/rentl agreemnt	174	6/7/90
S	2457	Employment listing services	70	6/7/90
	2461	Emergency vehicle eqpmt sales	94	6/7/90
S	2463	Vehicle registration records	232	6/7/90
	2469	Limited medical licenses/UW	160	6/7/90
	2473	Irrigatn dists/land subdvsn	194	6/7/90
	2475	Convention/trade facilities	242	6/7/90
S	2476	Indebtedness/allocating	205	6/7/90
S	2482	Puget Snd water quality auth	115	6/7/90
	2485	Industrial ins self-insurer	209	6/7/90
		Section 1		1/1/91
	2492	Pro tempore judges	182	6/7/90
2S	2494	Oil/hazardous substnce spill	116	6/7/90

PV - Partial Veto; E1 - 1st Special Sess.; E2 - 2nd Special Sess.

House No.	Relating to:	Chapter No.	Effective Date
	2503 Pension funds investment	80	3/15/90
S	2513 Roadside litter/illegal dump	66	6/7/90
S	2524 Board of pharmacy/continue	83	6/7/90
	2525 Radio communications service	118	6/7/90
	2526 Telecommunication companies	247 PV	6/7/90
	2527 Regulatory fees/payment	48	6/7/90
	2542 Drug vehicle forfeiture	248	6/7/90
	2546 Telephone assistance program	170	6/7/90
	2555 Animal remedy act/repeal	197	6/7/90
	2561 Replevin provisions	227	6/7/90
	2562 Hospital commission/repeal	52	6/7/90
	2567 State employment provisions	60	6/7/90
S	2576 Dept of wildlife statutes	84	6/7/90
S	2584 PUD job value limits	251	6/7/90
S	2587 Port dists/road improvement		Vetoed
	2602 Adoption support services	285 PV	6/7/90
S	2603 Medical care/children	296 PV	7/1/90
S	2609 Pollution liability insurance	64	3/15/90
	2633 Uniform commercial code	228	6/7/90
S	2643 Survivorship option/retirmt	249	6/7/90
S	2644 Retirement systems provisns	274	6/7/90
	Sections 1-8		9/1/90
	2655 Lobbyists/reporting	139	6/7/90
	2667 Low-income enrgy/jt sel cmte	1 E1	3/26/90
	2694 Studnt transp sfty task frce	4 E1	3/26/90
	2705 Winter recreatn/state parks	49	6/7/90
	Section 3		3/14/90
S	2706 Defense-dependent industries	278 PV	6/7/90
S	2708 PUD sewer inspections	107	6/7/90
S	2709 District court judges	257 PV	3/28/90
	2714 Execution dates	263	6/7/90
	2716 Truck overloader/codefendant	217	6/7/90
S	2726 Port district debt funding	254	3/28/90
	2746 Crime of enticement		Vetoed
S	2752 Minor/sexually explct condct	155	7/1/90
	2753 State route 128/rerouting	108	6/7/90
	2761 School directors association		Vetoed
	2775 Voting machines/ballots	184	6/7/90
S	2792 Podiatric physicians/surgeon	147 PV	6/7/90
	2797 Candidacy/ballots/voting	59 PV	6/7/90
	Sections 1-6, 8-72, 74-96 and 98-112		7/1/92
S	2801 Collection agencies	190	6/7/90
	2802 GA dept/transportn managment	206	6/7/90
	2808 Court commissioners	191	6/7/90
S	2809 Child abuse victim testimony	150	3/23/90
S	2831 American Indian scholarship	287 PV	6/7/90
	2832 Horticulturl plnts/facilites	261	6/7/90
	2840 County road admin board	266	6/7/90
	2842 Disabled/parking permits	24	6/7/90
	2850 Economic dev finance authrty	53	6/7/90
S	2854 Solid waste systems/contract	279	3/29/90
	2855 Municipal airports/lessees	215	6/7/90
S	2858 Liquor importers/entertainmt	125	6/7/90

PV - Partial Veto; E1 - 1st Special Sess.; E2 - 2nd Special Sess.

HOUSE BILLS PASSED BY BOTH HOUSES

1991

House No.	Relating to:	Chapter No.	Effective Date	
	2859	County legislative authority	252	1/1/93
S	2861	Manufactured housing regs	176 PV	6/7/90
	2868	Sea urchin endorsements	62	3/15/90
	2882	DOT/emergency contracts	265	6/7/90
	2888	Child support schedule Sections 5 and 22	2 E1 PV	7/1/90 3/26/90
	2901	Life ins guaranty associatn	51	3/14/90
S	2906	Contaminated proprty cleanup Sections 2 and 12	213	4/23/90 3/27/90
S	2907	Mobile home relocation Sections 6-8	171	6/7/90 7/1/90
	2911	Schools/contract exemptions	Vetoed	
S	2917	Physician assistants	196	6/7/90
S	2929	Growth planning provisions	17 E1 PV	7/1/90
S	2932	Water resource planning	295	3/29/90
S	2933	Self ins pools/local govt	26	6/7/90
S	2935	Elections/local government	259	6/7/90
	2939	Correctional instit/populatn	302 PV	6/7/90
S	2940	Vehicle dealer service fees	Vetoed	
	2942	Fisheries enhancemnt reports	91 PV	6/7/90
S	2956	Low-level radioactive waste	21	3/13/90
	2959	School districts/health ins	74	6/7/90
S	2964	Capital facilities bonds	15 E1	4/23/90
2S	2986	Alcohol/contrld substn abuse	275 PV	6/7/90
	2988	Low incme housng/conv centr	181	6/7/90
	2989	Freight brokers registration	109	3/19/90
S	2999	Community college/compensatn	135	3/21/90
S	3001	HMO's/solvency protection	119	6/7/90
S	3002	Health care cntrctrs/solvncy	120	6/7/90
S	3007	Employee pension plans	212	6/7/90
S	3035	Jail facilities/Yakima Cnty	13 E1	7/1/90

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH HOUSE AND SENATE**

Fifty-First Legislature
1990 Regular Session
1990 First Special Session
1990 Second Special Session

No. Subject:

HOUSE JOINT MEMORIALS

4030 Sam Guess memorial bridge
4037 American legis exchge/1991

HOUSE JOINT RESOLUTIONS

4203 County boundary changes
4231 Property tax levies/six year

HOUSE CONCURRENT RESOLUTIONS

4426 Joint session/state of state
4427 Reintroduction/1989 measures
4428 Cutoff dates established
4432 Legislative Old Tmrs reunion
4434 Joint session/medal of merit
4437 Cut-off date extended
4438 Cut-off exemptions
4441 Adjourn SINE DIE
4442 Bills/special session
4443 Health care cost control cmsn
4445 Allow consideratn of HB 3035
4446 Allow consideratn of SB 6344
4447 Adjourn SINE DIE
4448 Adjourn SINE DIE

**SENATE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Fifty-First Legislature
1990 Regular Session
1990 First Special Session
1990 Second Special Session

Senate No.	Relating to:	Chapter No.	Effective Date
S 5013	2d cl sch dists/at-large dir	161	6/7/90
	5169 DSHS revenue collection	100	6/7/90
S 5206	Econ/rev forecast council	229	7/1/90
S 5300	Women/apprenticeship statute	72	6/7/90
S 5340	Escrow agents deposits	203	6/7/90
	5371 Excellence awd/teacher prep	10 E1 PV	7/1/90
	5431 Leasehold tax exemptions	131	6/7/90
S 5450	Pacific Rim languages eductn	243	6/7/90
	5487 Real estate licensees dsclsr	85	6/7/90
S 5545	Vocational ed/state board	188	6/7/90
	Sections 1-4,11		3/26/90
3S 5550	Low income housing valuation	168	12/90*
	*Pending voter approval of SJR 8212		
S 5554	RR track scales testing	27	6/7/90
	5593 Vehicle lgth/federal law	28	6/7/90
S 5594	Prescripts filled/other sts	219	3/27/90
	5712 Environmental hearings office	65	6/7/90
2S 5835	Energy information/sch use	301 PV	6/7/90
2S 5845	Steelhead trout production	110	6/7/90
2S 5882	Reckless driving penalties	291 PV	6/7/90
S 5935	Capitol campus design cmtee	93	6/7/90
2S 5993	Hanford land transfer	281	6/7/90
2S 5996	Waste management ed study	158	6/7/90
S 6031	Voter registration	143	6/7/90
	Sections 1-8		1/1/92
	6091 Budget stabilization account	7 E1	4/5/90
	6114 Corrections	Vetoed	
	6164 Food transportation	202	6/7/90
S 6167	MV brokering/subleasing	44	6/7/90
	6172 Envirnmntl coord procedures	137	6/7/90
	6180 Basic health plan records	54	6/7/90
S 6182	Fire prot district charges	294	3/29/90
	6189 Boundary review boards	273	3/29/90
S 6190	Head injury prevention	270 PV	6/7/90
S 6191	Wash st trauma care systm	269	3/29/90
	6192 Generic drug substitutions	218	3/27/90
S 6195	Animal training	226	6/7/90
	6200 Task force on ports report	4	6/7/90
	6201 Health studio services	55	6/7/90
	6210 Radiologic techs/subset	6	6/7/90
	6213 DSHS employees reimbrsmnt	153	6/7/90
2S 6216	Commnty cilge faculty awards	29	6/7/90
S 6221	High school assessment prgrm	101	6/7/90

PV - Partial Veto; E1 - 1st Special Sess.; E2 - 2nd Special Sess.

Senate No.	Relating to:	Chapter No.	Effective Date
	6224 Basic ed moneys withholding	103	6/7/90
	6253 Private property/taking	Vetoed	
S	6255 Bus drivers assault/penalty	236	6/7/90
2S	6259 Criminal offender provisions *With exceptions	3 PV	6/7/90*
	6267 Occupational therapy regultn	13	6/7/90
S	6289 Director of agric/admin div	37	6/7/90
S	6290 Telecommunications devices	89	3/19/90
	6292 Mosquito control responsibil	300 PV	3/30/90
	6303 Pedestrian safety	241	6/7/90
	6304 Sick leave records	162	6/7/90
S	6305 Tuition exemptions	154	6/7/90
S	6306 Community college tenure	268 PV	6/7/90
2S	6310 Fishery enhncmnt group funds	58	6/7/90
S	6326 Puget Sound water qlty prgrm	289	6/7/90
	6327 WSP/civil service exemptions	14	6/7/90
S	6330 Consumer protection	199	6/7/90
	6335 Negligent oprtn/cmmcl vhcle	31	6/7/90
	6344 Regional support networks	8 E1	7/1/90
S	6348 Nonpneumatic spare tires	105	6/7/90
	6354 Apple grades/hearings	19	6/7/90
S	6358 Transportation tax rates	42	6/7/90
	Sections 101-104,115-117		4/1/90
	Sections 201-214,405-411		4/1/90
	Section 503		4/1/90
	Sections 105-114,301-303		9/1/90
	Sections 305-328,401-404		9/1/90
	Section 304		7/1/91
	6370 City name changes	193	6/7/90
S	6377 Fisheries violatns penalties	144	6/7/90
	6388 Insurance cancellation	121	6/7/90
S	6389 Business corporation act	178	7/1/90
S	6390 Marital deduct/domestic trst	179	3/26/90
	6391 Revenue code corrections	224	6/7/90
	6392 Wills/requisites	79	6/7/90
S	6393 Retirement benefits/executn	237	3/28/90
	6394 Escheat prop/small estate	225	6/7/90
S	6395 Inheritance tax references	180	6/7/90
	6396 Deed of trust act	111	6/7/90
	6399 Support enforcement/employer	165 PV	6/7/90
S	6407 Supplmntl operating budget	16 E1 PV	4/23/90
	6408 Suplpmntl transportatn budget	298 PV	3/30/90
	6411 Employment training program	272	3/29/90
S	6412 Wildlife cnsvrtn land acquis	14 E1	7/1/90
S	6417 Supp capital budget	299 PV	3/30/90
2S	6418 Rural health care	271	3/29/90
S	6426 SR 901 scenic highway	240	6/7/90
S	6446 Public water systems	132	3/21/90
S	6447 Failing public water systems	133	3/21/90
	6451 Cigarette tax modified	216	3/27/90
S	6452 School dist leave sharing	23	3/13/90
S	6453 Ag lenders/examination	134	3/21/90
S	6463 Services and activities fees	7	6/7/90

PV - Partial Veto; E1 - 1st Special Sess.; E2 - 2nd Special Sess.

SENATE BILLS PASSED BY BOTH HOUSES

1995

Senate No.	Relating to:	Chapter No.	Effective Date	
	6464	Law enforcmt/driver licnse	56	6/7/90
S	6467	Second degree arson/murder	200	6/7/90
	6470	Construction liens	81	6/7/90
S	6473	Correctional industries sales	22	6/7/90
S	6474	Public corporations	189	6/7/90
S	6493	Adoption/confidntl intrmdries	145	6/7/90
S	6494	Adoption provisions	146	6/7/90
S	6499	Dispute resolution centers	172	7/1/90
	6510	Telecommunications/rgstratn	10	6/7/90
	6514	L&I/attorneys fees before	15	6/7/90
	6520	Nonionizing radiation	173	6/7/90
	6528	Vessel pilots' licenses	112	6/7/90
S	6531	Port dist road improvemnts	5	6/7/90
	6533	School suspension		Vetoed
	6535	Private activity bonds	50	6/7/90
2S	6537	Foster care reform	284	7/1/90
	6549	PUD employee compensation	16	6/7/90
	6558	Driving exam waiver	9	6/7/90
	6559	Winter recreational facil	136	6/7/90
S	6560	Odometer disclosure	238	5/1/90
	6562	Superior court positions	186	6/7/90
	6564	Cmmrcl fishers fund pooling	130	6/7/90
	6571	Interpreters/legal proceedng	183	6/7/90
S	6572	Telecommunications fraud	11	6/7/90
S	6573	Energy facility council	12	7/1/90
	6574	Housing finance commission	167	PV 6/7/90
S	6575	Nuclear operations liability	82	6/7/90
	6576	Wild mushroom harvesting	20	6/7/90
	6577	Recycling markets committee	127	6/7/90
	6583	Air polltn control authorit	157	6/7/90
	6588	Live performance/moral nsnce	152	6/7/90
S	6589	Title insurers	76	6/7/90
S	6594	Retirement sys department	8	6/7/90
S	6600	Retirement contribution rate	18	9/1/91
	6606	MV window tinting	95	6/7/90
S	6608	Traffic violations enforcmnt	210	6/7/90
2S	6610	At-risk youth	276	6/7/90
S	6624	Family independence program	6	E1 4/2/90
S	6626	Placebound students assmnt	288	6/7/90
S	6639	Conservatn area acquisition	5	E1 7/1/90
	6640	Tourism strategies/hotel tax	17	6/7/90
S	6642	Washington marketplace prgrm	57	6/7/90
S	6649	Adopt-a-highway signs	258	6/7/90
	6652	Cigarette tax penalties	267	1/1/91
S	6663	Special license plates	250	PV 6/7/90
		Section 11		7/1/90
		Sections 1-10,12-15,17		1/1/91
S	6664	Business license center	264	PV 7/1/90
S	6668	Crime victims' compensation	73	10/1/90
	6673	State-owned vehicles	75	6/7/90
S	6681	School property leases	96	6/7/90
S	6697	Longview bridge study	87	6/7/90
S	6698	Solid fuel burn/device fee	128	PV 6/7/90

PV - Partial Veto; E1 - 1st Special Sess.; E2 - 2nd Special Sess.

Senate No.	Relating to:	Chapter No.	Effective Date
S 6700	Recycling/trucking regs	123	3/21/90
S 6701	Maritime commission	117	7/1/90
	Section 3.(10).(12).(13).(15) except as otherwise provided		7/1/91
S 6726	Firearm range facilities	195	6/7/90
6727	State-owned shellfish sales	163	6/7/90
S 6729	DNA identification	230 PV	3/27/90
2S 6731	Absentee ballots/abstracts	262	6/7/90
6741	Shoreline developmnt permits	201	6/7/90
S 6764	Community support programs	290	6/7/90
S 6771	Electric transmission lines	138	6/7/90
S 6776	Condominium act revisions	166	7/1/90
6777	SR 706/Road to Paradise	97	6/7/90
2S 6780	Farmworker housing inspectn	253	6/7/90
6802	Util rate/low-income disabl	164	6/7/90
6816	Milk pumping tax exemption	185	6/7/90
6822	B&O tax/small timber harvstr	141	6/7/90
S 6827	State-wide 911 service	260	6/7/90
2S 6832	Juvenile rehab system study	292	6/7/90
6834	Small bsns basic health plan	187	6/7/90
6839	Kettle River protection	277	6/7/90
S 6859	Computer software/tax status	255	3/28/90
6862	Wash hardwoods commission	142	3/22/90
6866	Grass seed research fees	113	6/7/90
S 6868	Guardianship/incapacitated	122	7/1/91
S 6880	Business/residential locatns	256	6/7/90
6897	DOT headquarters facility	293	3/29/90
6906	C 3 L 90 adjustments	12 E1	7/1/90
6913	Criminal justice financing	1 E2	6/6/90
	Sections 101-106		7/1/90
	Sections 701.801		9/1/90
	Section 1103		6/7/90
	Sections 501-525		1/1/91*
	*Pending voter approval		

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE**

Fifty-First Legislature
1990 Regular Session
1990 First Special Session
1990 Second Special Session

No. Subject:

SENATE JOINT MEMORIALS

8003	RR holding tanks/dumping
8017	Columbia river/200 anniversary
8018	Pension taxation
8019	Plutonium-238/Hanford
8020	MIA/POW disclosures
8023	Forest lands
8025	Earthquake project support

SENATE JOINT RESOLUTIONS

2S	8212	Low income housing valuation
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SENATE CONCURRENT RESOLUTIONS

S	8429	State adoption commission
	8437	High speed transportation
	8440	Leadership conference
	8444	Trust land disabilities
	8446	Poverty issues interim study
	8448	Consider ESSB 6412 spec sess
	8449	HCR 4442 amended

**GOVERNOR'S MESSAGES ON HOUSE BILLS
SIGNED AFTER ADJOURNMENT**

Fifty-First Legislature
1990 Regular Session
1990 First Special Session
1990 Second Special Session

April 13, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 13, 1990, Governor Gardner approved the following House Bill entitled:

SUBSTITUTE HOUSE BILL NO. 2230: Relating to health care.

Sincerely,

Thomas J. Felnagle, Counsel.

April 17, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 17, 1990, Governor Gardner approved the following House Bill entitled:

SUBSTITUTE HOUSE BILL NO. 3035: Relating to the funding of construction and expansion of jail facilities in Yakima County.

Sincerely,

Thomas J. Felnagle, Counsel.

April 23, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 23, 1990, Governor Gardner approved the following House Bill entitled:

SUBSTITUTE HOUSE BILL NO. 2964: Relating to financing capital facilities.

Sincerely,

Thomas J. Felnagle, Counsel.

**GOVERNOR'S MESSAGES ON HOUSE BILLS
VETOED AND PARTIALLY VETOED**

Fifty-First Legislature
1990 Regular Session
1990 First Special Session
1990 Second Special Session

For Veto Message on ENGROSSED HOUSE BILL NO. 1491, see pages 1784-1785.

For Veto Message on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1825, see page 1770.

For Veto Message on SUBSTITUTE HOUSE BILL NO. 2342, see page 1788.

April 11, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 415, Second Substitute House Bill No. 2379 entitled:

"AN ACT Relating to student enrollment options."

I requested this bill as part of my effort to restructure our public education system, increase parent involvement and improve student performance by increasing students' enrollment options. I am extremely pleased the legislature supported this effort.

Section 415 of the bill creates a task force to study the possibility of extending the Running Start Program to allow 11th and 12th grade students the opportunity to attend four-year institutions of higher education. It is unnecessary to establish a statutory task force for this purpose. Further, no provisions were made for staffing the task force and though reimbursement for travel expenses is specified, no funds were appropriated.

For the reasons stated above, I have vetoed section 415.

With the exception of section 415, Second Substitute House Bill No. 2379 is approved.

Respectfully submitted,
Booth Gardner, Governor.

For Veto Message on SUBSTITUTE HOUSE BILL NO. 2403, see pages 1804-1805.

For Veto Message on HOUSE BILL NO. 2411, see pages 1805-1806.

For Veto Message on SECOND SUBSTITUTE HOUSE BILL NO. 2443, see page 1820.

For Veto Message on HOUSE BILL NO. 2526, see page 1815.

For Veto Message on SUBSTITUTE HOUSE BILL NO. 2587, see page 1770.

For Veto Message on ENGROSSED HOUSE BILL NO. 2602, see pages 1820-1821.

For Veto Message on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2603, see pages 1841-1842.

For Veto Message on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2706, see page 1821.

For Veto Message on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2709, see page 1815.

For Veto Message on HOUSE BILL NO. 2746, see page 1821.

For Veto Message on HOUSE BILL NO. 2761, see page 1785.

For Veto Message on SUBSTITUTE HOUSE BILL NO. 2792, see page 1785.

For Veto Message on ENGROSSED HOUSE BILL NO. 2797, see page 1772.

For Veto Message on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2831, see pages 1821-1822.

For Veto Message on SUBSTITUTE HOUSE BILL NO. 2861, see page 1788.

For Veto Message on REENGROSSED HOUSE BILL NO. 2888, see pages 1788-1789.

For Veto Message on ENGROSSED HOUSE BILL NO. 2911, see page 1822.

April 24, 1990

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 18, 25, 26, 27, 28, 29, 45, 75, 76, 78, 79, 80, 81, 83 and 84, Engrossed Substitute House Bill No. 2929, entitled:

"AN ACT Relating to growth."

Engrossed Substitute House Bill No. 2929 takes an important first step towards the goal of managing growth in this state's fastest growing counties.

I commend the Legislature for recognizing the importance of this issue and for the sustained commitment and hard work that went into this bill.

I welcome this measure, and am pleased to sign it into law.

This is an act that will benefit all of us, and all of our children. It will allow our most economically dynamic counties to preserve the endowment of clean air, pure water and natural beauty that is now threatened by rampant uncontrolled growth. It will encourage continuing economic prosperity by reforming decision-making processes that have all too often been unpredictable and disjointed. But most important, this bill is a cogent response to the concerns of thousands upon thousands of this state's citizens and taxpayers, who have insisted that we strike a better balance between economic development and environmental preservation.

It is important to recognize that this legislation is only the first step. In June, I will receive the recommendations of the Growth Strategies Commission. Those recommendations will be the basis for executive request legislation in the 1991 session. We fully intend to pursue further actions to ensure that measure is strengthened and clarified.

The crafting of this intricate bill in a single legislative session has resulted in a number of technical problems that require my veto of several sections. Because my veto power is limited to entire sections, in several cases, I must veto provisions that I support because of flaws that appear within the same section.

Although I regret some of these actions, I am confident that we can resolve the problems during the next legislative session.

Section 18

This section requires special districts to act in conformity with policy goals in the act and with local comprehensive plans. Ensuring consistency between county and local governments and the numerous overlapping special districts that provide needed services is necessary for successful growth management. However, the exemptions provided in subsection 3 for port districts and municipal airports do not promote consistency and may unintentionally result in ports and municipal airports being exempted from all land use requirements. Because I am unable to partially veto sections to eliminate technical or policy concerns, I must veto section 18. Despite my veto, I believe the consistency mandate is addressed by existing case law.

Sections 25, 26, 27, 28, and 29

These sections authorize local governments to contract with developers for construction of facilities related to specific projects. Lack of clarity opens up a wide range of questions concerning the application of the state's prevailing wage laws. While these sections offer a good tool to permit local governments to work with

developers to construct needed infrastructure for growth, the legal uncertainty on prevailing wage impacts is too great. Policy in this area should be debated as part of future growth management efforts.

Section 45

Local governments are increasingly short of funds to make necessary public improvements. The money to pay for new or improved roads, water systems, sewage facilities, parks, and schools has traditionally come from general tax revenues or utility charges. However, explosive growth is currently outpacing the ability to finance public facilities necessitated by that growth.

With the exception of one sub-section, this bill captures all the essential elements of a legally permissible impact fee process to enable local governments planning under the provisions of this bill to require that certain public facilities be financed by development necessitating such facilities.

In addition to financing public facilities through the imposition of impact fees, the substantive authority under the State Environmental Policy Act allows a local jurisdiction to approve a project subject to a requirement that the developer mitigate or pay a fee to mitigate specific adverse environmental impacts. I am concerned that subsection (1) of section 45 limits substantive authority under the State Environmental Policy Act without considering the full impact of such limitation.

While I agree that the imposition of impact fees and the authority under the State Environmental Policy Act should not be used to impose duplicative fees or requirements on developers, I am unwilling to affect the State Environmental Policy Act without full knowledge of the consequences. Larger jurisdictions may well be able to plan for or anticipate the system needs associated with growth. I am concerned, however, that smaller jurisdictions, who were not involved in the negotiations surrounding this section, may not have the staff to fully understand the importance of these sections and as a result may lose the ability to mitigate for unanticipated needs related to growth. Despite the veto of section 45, protection against arbitrary or duplicative fees is present in section 43 of this bill.

Because I am unable to partially veto sections to eliminate technical or policy concerns, I must veto all of section 45, despite important provisions contained in subsections (2) through (7). My veto is necessitated by the cloud section 45(1) places over the State Environmental Policy Act.

Sections 75, 83, & 84

These three sections undertake new program initiatives in the departments of Trade and Economic Development and Community Development. While the contemplated programs are thoughtful, the use of Community Economic Revitalization Board funds to fund ongoing programs of this kind is inappropriate. Therefore, I am vetoing these sections. I am however, directing the Department of Trade and Economic Development to assist efforts by small businesses to increase their competitiveness through the use of cooperative networks, using funds provided in the budget, and I am directing the Department of Community Development to explore opportunities to provide training and technical assistance to community-based organizations serving low-income urban and rural areas.

Sections 76, 78, 79, 80 & 81

These sections authorize new activities and program initiatives in the Department of Trade and Economic Development. These activities lack legislative funding and are authorized in an overly prescriptive fashion by the Legislature. However, I am directing the Department to utilize the available funds to evaluate existing state-supported applied research and technology transfer activities in the state. I am also directing the Department to conduct an initial examination of opportunities for collaboration between higher education, industry and the state as a way to increase the economic competitiveness of the state. Further, I am directing the Department to continue to explore ways to provide bid information to small businesses through the electronic bulletin board system.

With the exception of sections 18, 25, 26, 27, 28, 29, 45, 75, 76, 78, 79, 80, 81, 83, and 84, I am approving Engrossed Substitute House Bill No. 2929.

Respectfully submitted,
Booth Gardner, Governor.

For Veto Message on ENGROSSED HOUSE BILL NO. 2939, see page 1842.

For Veto Message on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2940, see pages 1842-1843.

For Veto Message on HOUSE BILL NO. 2942, see page 1775.

For Veto Message on SECOND SUBSTITUTE HOUSE BILL NO. 2986, see pages 1822-1823.

HISTORY OF HOUSE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1035.				35		
1037. (Sub.)		19				
1055.		19,62	600	600	169 599,1065 1272,1378	1769 CH. 45
1096.		19				
1107.		19				
1109.		19,239	439	439		
1129.		20				
1156.		20				
1158.		20				
1172.		20				
1174. (2nd Sub.)				65	35	
1175.				66	35	
1176.			84	84		
1222.		20				
1223.				85		
1226.				85		
1237. (Sub.)				86		
1257. (Sub.)				86		
1264. (Sub.)				35	1065 1272,1378	1774 CH. 99
1280. (Sub.)		20,116	397	397		
1281.		20				
1285.		20				
1291. (Sub.)		20,116	489			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1291. (2nd Sub.)			489	489		
1293. (Sub.)		20,213	500			
1293. (2nd Sub.)			500	500		
1294. (Sub.)		20				
1300.		21,177				
1307.				35,1654	1445,1486 1609,1653 1713,1714	1824 CH. 283
1323.				36,1297	1294 1646,1656	1787 CH. 192
1328.				36		
1338.		21				
1343.				37		
1366.			490			
1366. (2nd Sub.)			490	490		
1375.			235			
1375. (Sub.)			235	235		
1392. (Sub.)		21				
1394.		21,62	600			
1394. (Sub.)			600	600	1065 1272,1378	1769 CH. 39
1405. (Sub.)		21,117	235			
1405. (2nd Sub.)			235	235		
1406.		21				
1423.		260		224	232	
1433.			37	37		
1439.		21				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1448.		21				
1450. (Sub.)				122,1453	1451 1713,1714	1774 CH. 102
1465.		21,157	398			
1465. (Sub.)			398	398		
1475. (Sub.)				123		
1491.			236	236	953 1272,1378	1784 PV CH. 156
1492.		240	532		531	
1492. (Sub.)			532	532		
1495. (Sub.)		21				
1498.		21,98				
1505.				38		
1509. (Sub.)		22,260			480	
1521. (Sub.)				414		
1523.			166	166	1065 1272,1378	1769 CH. 46
1535.		22,260				
1557. (Sub.)				38		
1565. (Sub.)			139	140	123,1269 1505,1579	1787 CH. 175
1570.				123		
1571.				123	1065 1272,1378	1769 CH. 40
1575.		22				
1577. (Sub.)				124		
1579.		22,62	398	398	128	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1596.				126		
1597.		240	501			
1597. (Sub.)			501	501,1382	1381 1646,1656	1804 CH. 223
1601. (Sub.)		22				
1623.				39		
1624. (Sub.)		157,240	501			
1624. (2nd Sub.)			501	501		
1646.				39		
1648.		22				
1653.		22,260	502			
1653. (2nd Sub.)			502	502	1269 1505,1579	1804 CH. 211
1661. (Sub.)				66		
1663. (Sub.)		22 117,375	527			
1663. (2nd Sub.)			527	527		
1666. (Sub.)		63,240				
1669. (Sub.)				126		
1673.		22				
1682.				66		
1688. (Sub.)		22				
1703.				127	1065 1272,1378	1769 CH. 30
1715.			127	127	127	
1724.		22,415	534	534,1358	532 534,1358 1646,1656	1814 CH. 233

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1741. (Sub.)		22				
1742.		23				
1746. (Sub.)				140		
1747.				141		
1752.		98				
1765.		415	519			
1765. (Sub.)			519	519		
1770.		260				
1771.					128	
1791.					128,287	
1797. (Sub.)					67	
1814. (Sub.)		23				
1820.		23				
1824.		240,416	532			
1824. (Sub.)			532	532,1359	1359 1647,1656	1774 CH. 88
1825. (Sub.)				231,1482	67,1468 1647,1656	1770 PV CH. 43
1836.				165		
1851.		23				
1865.		23				
1881.		23,63	199	199	1065 1272,1378	1769 CH. 38
1882.		23,63				
1883. (Sub.)		23				
1890.				67,1576	1453,1576 1713,1714	1779 CH. 126

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1910. (Sub.)		117				
1911. (Sub.)		23,117	399			
1911. (2nd Sub.)			399	399		
1926.		261				
1929.		23				
1935.		241				
1939.		23				
1941. (Sub.)				141		
1942.		24				
1950.			142	142		
1957.				142	1183 1505,1579	1771 CH. 78
1978.		24,261	601			
1978. (2nd Sub.)			601	601		
1979. (Sub.)				143		
1995.		24				
2008.		24				
2023. (Sub.)		24 261,375	601			
2023. (2nd Sub.)			601	601		
2030. (Sub.)			206	206	143	
2032.		241	440	440	1065 1272,1378	1769 CH. 32
2035.				68		
2059.		24,213	502			
2059. (Sub.)			502	502		
2068.		24				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2072.		214	592		592	
2072. (Sub.)			592	592		
2074.		63				
2077.		375	490			
2077. (2nd Sub.)			490	490,1487	1486 1647,1656	1824 CH. 280
2084. (Sub.)		24				
2095.		416				
2122.		375	491			
2122. (2nd Sub.)			491	491,1644	1417 1486,1644 1713,1714	1814 CH. 246
2140. (Sub.)		24				
2149.		24				
2154.		63,261	578			
2154. (2nd Sub.)			578	578		
2198. (Sub.)				39,230	225 236,288	372 CH. 2
2205.		24				
2208.		214,416	563		563	
2208. (2nd Sub.)			563	563		
2215.		24				
2216.			236	236		
2230.		1071	1832		1054,1832	
2230. (Sub.)			1832	1832	1850,1963	1998 CH. 11 E1
2237.				165		
2243.		33				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2246.			33			
2249.			34			
2250.			34			
2251.	5	261	578			
2251. (Sub.)			578	578		
2252.	5	194,376	474		470	
2252. (Sub.)			474	478		
2253.	5	34,214	396	396	1183 1647,1656	1784 CH. 149
2254.	5					
2255.	6					
2256.	6					
2257.	6					
2258.	6	262				
2259.	6					
2260.	6	63	237	237	1065 1272,1378	1774 CH. 104
2261.	6	177	399	399		
2262.	6	262	579	579	953 1272,1378	1769 CH. 41
2263.	6					
2264.	6	63	298	298		
2265.	7	157	400	400	1065 1272,1378	1771 CH. 77
2266.	7	177	400	400		
2267.	7	117,376	579			
2267. (Sub.)			579	579		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2268.	7					
2269.	7					
2270.	7	262,376	497		491	
2270. (2nd Sub.)			497	497		
2271.	7	262	441	441		
2272.	7	83	401	401,1360	1360 1647,1656	1787 CH. 169
2273.	8	34	200	200		
2274.	8					
2275.	8					
2276.	8	64	125	125	1065 1272,1378	1769 CH. 33
2277.	9	99	201			
2277. (Sub.)			201	201		
2278.	9	241				
2279.	9	64	401			
2279. (Sub.)			401	401		
2280.	9					
2281.	9					
2282.	10	177				
2283.	10					
2284.	10					
2285.	10					
2286.	10					
2287.	10					
2288.	11	117	296	296	1209 1647,1656	1779 CH. 129

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2289.	11	177	298,386	387	298,1269 1506,1579	1771 CH. 71
2290.	11	64	397	397,1299	1298 1647,1656	1771 CH. 63
2291.	11	99	387	387	169,1183 1647,1656	1771 CH. 61
2292.	11	64	202	202	1065 1272,1378	1769 CH. 34
2293.	11	64	202			
2293. (Sub.)			202	202	1065 1272,1378	1769 CH. 35
2294.	11	65	203	203	1099 1272,1378	1769 CH. 36
2295.	13	136	533	533		
2296.	13	178	388			
2296. (Sub.)			388	388,1382	1382 1647,1656	1779 CH. 124
2297.	13	99	203	203		
2298.	13	194				
2299.	13	178	402	402,1466	1300,1466 1713,1714	1804 CH. 221
2300.	13	194	389	389		
2301.	13					
2302.	14					
2303.	14	118	296	296		
2304.	14					
2305.	14					
2306.	14	195	402	402	1269 1506,1579	1779 CH. 140
2307.	14					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2308.	14					
2309.	14					
2310.	14	83	533	533	1101 1450,1527	1769 CH. 47
2311.	14	83	402	403		
2312.	15	84	204	204,1488	1487 1647,1656	1774 CH. 106
2313.	15	416				
2314.	27	157				
2315.	27	157,376	533			
2315. (Sub.)			534	534		
2316.	27					
2317.	27					
2318.	27	157				
2319.	27					
2320.	27	195	403			
2320. (Sub.)			403	403		
2321.	28					
2322.	28					
2323.	28	241,417	535			
2323. (2nd Sub.)			535	535		
2324.	28					
2325.	28					
2326.	28					
2327.	28	262	646		646	
2327. (Sub.)			646	647,1458	1453 1647,1656	1841 CH. 297

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2328.	28					
2329.	28					
2330.	29	158,241	486	486	1099 1272,1378	1814 CH. 234
2331.	29	118	520	520	403 415,1133 1450,1527	1774 CH. 90
2332.	29					
2333.	29	214,377	602	602		
2334.	29	263	535	535		
2335.	29	242	503	503	1099 1272,1378	1774 CH. 92
2336.	29	263	491			
2336. (Sub.)			491	491,1361	1360 1647,1656	1814 CH. 244
2337.	29	158	389			
2337. (Sub.)			389	389	1065 1272,1378	1774 CH. 98
2338.	30	214	492	492		
2339.	30	99	204			
2339. (Sub.)			204	205		
2340.	30	263	602	602		
2341.	30	263	580	580		
2342.	30	215,377	536			
2342. (Sub.)			536	536,1305	1301 1647,1656	1788 PV CH. 177
2343.	30	158	536	536	1269 1506,1579	1771 CH. 67
2344.	30	158	390			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2344. (Sub.)			390	390	1269 1506,1579	1771 CH. 69
2345.	30	158	403	404	1269 1506,1579	1804 CH. 214
2346.	30	242	580	580		
2347.	30					
2348.	30	242,417	558		536,556	
2348. (2nd Sub.)			558	558		
2349.	31	263	441			
2349. (Sub.)			441	441		
2350.	31					
2351.	31	242			480	
2352.	31	215				
2353.	31	264	503	503		
2354.	31	242				
2355.	31	242	442	442		
2356.	31					
2357.	31	243				
2358.	32	243				
2359.	32	136,417	537			
2359. (2nd Sub.)			537	537		
2360.	32					
2361.	32	159	164		162	
2361. (Sub.)			164	164	171 172,185	208 CH. 1
2362.	32	65,377	602	602	1183 1647,1656	1804 CH. 204

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2363.	32	264				
2364.	32					
2365.	32	264				
2366.	32	215				
2367.	33					
2368.	33					
2369.	33	243				
2370.	33	243,1071				
2371.	33					
2372.	33	99,290				
2373.	45	244	537	537,1425	1425 1647,1656	1804 CH. 220
2374.	45					
2375.	46	244,418	520			
2375. (Sub.)			520	521,1305	1305 1506,1579	1784 CH. 148
2376.	46	118	431	431		
2377.	46					
2378.	46	290	504		232	
2378. (Sub.)			504	504,1654	1504,1526 1611,1654	1784 CH. 159
2379.	46	195,418	521			
2379. (2nd Sub.)			521	522 1721,1830	1721,1824 1840,1844	1999 PV CH. 9 E1
2380.	46					
2381.	46					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2382.	46					
2383.	46	264				
2384.	47	137,215				
2385.	47	264	564			
2385. (Sub.)			564	564	1209 1647,1656	1784 CH. 151
2386.	47	195	391	391	1101 1506,1579	1787 CH. 198
2387.	47	418	581	581		
2388.	47	265,418				
2389.	47	216	504	504		
2390.	48	244,290	607		492,606	
2390. (Sub.)			607	607,1390	1383 1647,1656	1779 CH. 114
2391.	48	178				
2392.	48					
2393.	48	216,1072				
2394.	48	178	404	404		
2395.	48	244,377	564	564,1490	1489 1713,1714	1804 CH. 207
2396.	48					
2397.	48					
2398.	49					
2399.	49	265	581	581		
2400.	49					
2401.	49	265	581	581		
2402.	49	118	391			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2402. (Sub.)			391	392		
2403.	49	265	505			
2403. (Sub.)			505	505.1681	1440.1486 1626.1681 1712.1714	1804 PV CH. 208
2404.	49	216	442	442		
2405.	49	159,378	527			
2405. (2nd Sub.)			527	527		
2406.	49	244	522	522		
2407.	49	245				
2408.	50	178				
2409.	50	179	392			
2409. (Sub.)			392	392		
2410.	50	245	505	505	1065 1272.1378	1769 CH. 25
2411.	50	179	404	404.1428	1425 1647.1656	1805 PV CH. 222
2412.	50	137				
2413.	50	216.378	582	582.1646	1483 1526.1646 1712.1715	1824 CH. 286
2414.	50	179.378	603			
2414. (Sub.)			603	603		
2415.	50					
2416.	50	179	405			
2416. (Sub.)			405	405.1722	1721.1744 1770.1771	1787 CH. 3 E1
2417.	51	179	405	405		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2418.	51					
2419.	51	245				
2420.	51					
2421.	51	265	506			
2421. (Sub.)			506	506.1532	1361,1531 1713,1715	1814 CH. 231
2422.	51					
2423.	51	419	700		693	
2423. (Sub.)			700	700		
2424.	51	159	406	406		
2425.	52	266	615	617	565,590 592,614	
2426.	52	217	565			
2426. (Sub.)			565	565.1675	1306,1451 1599,1675 1713,1715	1814 CH. 245
2427.	52					
2428.	52					
2429.	52	217	582	582	1183 1647,1656	1814 CH. 235
2430.	52	137	386			
2430. (Sub.)			386	386.1676	1447,1486 1612,1676 1713,1715	1814 CH. 239
2431.	52					
2432.	52	159	393	468		
2433.	53	217				
2434.	53					
2435.	53	195	565	565		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2436.	53	217	506			
2436. (Sub.)			506	506		
2437.	53	218				
2438.	53	245,419	583	583	1101 1450,1527	1771 CH. 68
2439.	53					
2440.	53					
2441.	53	100,292	560	560	560,1133 1450,1527	1774 CH. 86
2442.	53					
2443.	54	118,419	538			
2443. (2nd Sub.)			538	538,1492	1491 1713,1715	1820 PV CH. 282
2444.	54	119	406	406		
2445.	54	100	205	205	1209 1506,1579	1787 CH. 174
2446.	54	159	407			
2446. (Sub.)			407	407		
2447.	54					
2448.	54					
2449.	54					
2450.	54					
2451.	54	245	493		492	
2451. (Sub.)			493	493		
2452.	54	196,378	604			
2452. (Sub.)			604	604		
2453.	54	245				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2454.	55	84				
2455.	55	246	566			
2455. (Sub.)			566	566		
2456.	55	218	432	433		
2457.	55	266	492			
2457. (Sub.)			493	493	1101 1450.1527	1771 CH. 70
2458.	55					
2459.	55	266	443			
2459. (Sub.)			443	443		
2460.	55	196	434	434		
2461.	55	419	583	583	1101 1450.1527	1774 CH. 94
2462.	56					
2463.	56	246	506		136	
2463. (Sub.)			506	506.1391	1391 1647.1656	1814 CH. 232
2464.	56					
2465.	56	266	494	494		
2466.	56	218	443	444		
2467.	56	218	444			
2467. (Sub.)			444	444		
2468.	56					
2469.	56	180	407	407	1101 1450.1527	1784 CH. 160
2470.	56	246	494	494		
2471.	57	218.420	566			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2471. (2nd Sub.)			566	566		
2472.	57	119	393	393		
2473.	57	246	584	584	1101 1450,1527	1787 CH. 194
2474.	57	160				
2475.	57	119,247	538	538,1507	1506 1647,1656	1814 CH. 242
2476.	57	119,247	567			
2476. (Sub.)			567	567	1269 1506,1579	1804 CH. 205
2477.	57	247				
2478.	57					
2479.	57					
2480.	58					
2481.	58					
2482.	58	219	647		434,646	
2482. (Sub.)			647	653,1105	1104 1450,1527	1779 CH. 115
2483.	58					
2484.	58					
2485.	58	119	592	592	567 592,1183 1647,1656	1804 CH. 209
2486.	58					
2487.	58					
2488.	58	180	561	561	560	
2489.	59	180,379	561	561	560	
2490.	59	180				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2491.	59	180				
2492.	59	196	408	408	1183 1506,1579	1787 CH. 182
2493.	59	219			87	
2494.	59	247,420	653		604,646	
2494. (2nd Sub.)			653	655,1518	1507 1647,1656	1779 CH. 116
2495.	59	137	604	604		
2496.	59	160				
2497.	60	181	394	394		
2498.	60					
2499.	60	137	408	408		
2500.	60					
2501.	60					
2502.	60	138	409	409		
2503.	60	120	605	605,1306	1306 1647,1656	1771 CH. 80
2504.	60	1134				
2505.	61	181				
2506.	61				128	
2507.	61	266				
2508.	61	138	409	409		
2509.	61	120,379				
2510.	61	138	431	432	386	
2511.	61					
2512.	61					
2513.	61	196	539		415	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2513. (Sub.)			539	539	1101 1450,1527	1771 CH. 66
2514.	62	196	434	435		
2515.	71	267	507			
2515. (Sub.)			507	507		
2516.	71	160,379	528			
2516. (Sub.)			528	528		
2517.	71	219,420	523			
2517. (Sub.)			523	523		
2518.	71	120				
2519.	71	181				
2520.	72					
2521.	72					
2522.	72					
2523.	72					
2524.	72	247	507			
2524. (Sub.)			507	507	1101 1450,1527	1771 CH. 83
2525.	72	120	297	297,1391	1391 1647,1656	1779 CH. 118
2526.	72	120	410	410,1393	1392 1647,1656	1815 PV CH. 247
2527.	72	120	410	410	1101 1450,1527	1769 CH. 48
2528.	72	858			1377	
2529.	73					
2530.	74					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2531.	74	267	591		567,590	
2531. (Sub.)			591	591		
2532.	74	248				
2533.	74	248	531		415,524	
2533. (Sub.)			531	531		
2534.	74	267				
2535.	74					
2536.	74	219	529			
2536. (Sub.)			529	529		
2537.	75	121	394	394		
2538.	75					
2539.	75	267	508			
2539. (Sub.)			508	508		
2540.	75					
2541.	75					
2542.	75	267	495	495	1183 1647,1656	1814 CH. 248
2543.	75	248,379	540			
2543. (2nd Sub.)			540	540		
2544.	75	267	605			
2544. (Sub.)			605	605		
2545.	75	248				
2546.	76	121	410	410,1309	1307 1647,1656	1787 CH. 170
2547.	76					
2548.	76	121				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2549.	76					
2550.	76	121	411	411		
2551.	76	219	445			
2551. (Sub.)			445	445		
2552.	76				128	
2553.	76					
2554.	77	181				
2555.	77	121	411	411	1437 1621,1623 1713,1715	1787 CH. 197
2556.	77	183,292				
2557.	77	268				
2558.	77					
2559.	77					
2560.	77	249	524	524		
2561.	77	197	412	412	1101 1450,1527	1804 CH. 227
2562.	77	197	412	412	1101 1450,1527	1769 CH. 52
2563.	78	160				
2564.	78					
2565.	78					
2566.	78	220,380	466			
2566. (Sub.)			466	466		
2567.	78	220,380	495	496,1465	1458 1647,1656	1771 CH. 60
2568.	78	220				
2569.	78	220	437			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2569. (Sub.)			437	437		
2570.	79	161,380	613		612	
2570. (Sub.)			613	614		
2571.	79	161	617	618	567,614	
2572.	79	161				
2573.	79					
2574.	79					
2575.	79	268	619	619		
2576.	79	121	413			
2576. (Sub.)			413	413,1310	1309 1647,1656	1771 CH. 84
2577.	79	122	621	621		
2578.	79	122,380	622			
2578. (Sub.)			622	622		
2579.	80					
2580.	80					
2581.	80					
2582.	80	197				
2583.	80	220	445			
2583. (Sub.)			445	445		
2584.	80	249	540			
2584. (Sub.)			540	540	1183 1647,1656	1814 CH. 251
2585.	80					
2586.	80	249				
2587.	80	268	508			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2587. (Sub.)			508	508	1101 1450,1527	1770 VETOED
2588.	81					
2589.	81					
2590.	88					
2591.	88	181	395			
2591. (Sub.)			395	395		
2592.	88					
2593.	88	268,420	541			
2593. (Sub.)			541	541		
2594.	89					
2595.	89					
2596.	89					
2597.	89					
2598.	89					
2599.	89					
2600.	89					
2601.	89	249,381	467			
2601. (Sub.)			467	467		
2602.	90	138,293	496	497,1677	1497,1526 1615,1676 1713,1715	1820 PV CH. 285
2603.	90	268,381	479		470	
2603. (Sub.)			479	479,1678	1375,1449 1606,1677 1713,1715	1841 PV CH. 296
2604.	90					
2605.	90	249				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2606.	90	197	463	464	438	
2607.	90					
2608.	90	138	297	297		
2609.	90	182	395		128	
2609. (Sub.)			395	395,1369	1363 1647,1656	1771 CH. 64
2610.	91	221,381	623			
2610. (Sub.)			623	623		
2611.	91					
2612.	91	250				
2613.	91					
2614.	91	161				
2615.	91	162	568	568		
2616.	91					
2617.	91	221	447,465	465	446,447	
2618.	91	250,382	524	524		
2619.	92					
2620.	92					
2621.	92				169	
2622.	92	269	446			
2622. (Sub.)			446,453	454		
2623.	92					
2624.	92	250,421	623			
2624. (2nd Sub.)			623	628		
2625.	92					
2626.	92	250	568	568		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2627.	93					
2628.	93					
2629.	93					
2630.	93	269	608		569,606	
2630. (Sub.)			608	608		
2631.	93	269			541,690	
2632.	93					
2633.	93	269	584	584	1101 1450,1527	1804 CH. 228
2634.	93					
2635.	93					
2636.	94	421	541	542		
2637.	94					
2638.	94	162	438,470	471	439,470	
2639.	94	269,421				
2640.	94					
2641.	94	270	509	509		
2642.	94	293	479		470	
2642. (Sub.)			480	480		
2643.	94	293	469			
2643. (Sub.)			469	469	1310,1526 1713,1715	1814 CH. 249
2644.	95	293	480		470	
2644. (Sub.)			480 488,557	557,1358	480,489 556,1346 1647,1656	1824 CH. 274
2645.	95					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2646.	95	221				
2647.	95					
2648.	95					
2649.	95	270	629			
2649. (Sub.)			629	629		
2650.	95					
2651.	95	271	447			
2651. (Sub.)			447	447		
2652.	95					
2653.	96	221,421	525			
2653. (Sub.)			525	526		
2654.	96	251	542	542		
2655.	96	182	448	448,1397	1393 1647,1656	1779 CH. 139
2656.	96					
2657.	96					
2658.	96	221				
2659.	96	251,422				
2660.	96					
2661.	97	251	509	509		
2662.	97	271				
2663.	97	271	448	448		
2664.	97	271				
2665.	97					
2666.	97					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2667.	97	139	629,1740	630 1740,1744	1721,1722 1739,1766 1770,1771	1787 CH. 1 E1
2668.	97					
2669.	97					
2670.	97					
2671.	97					
2672.	98	271,382				
2673.	98					
2674.	102	702,954	1170		1170,1377	
2675.	102	858				
2676.	102					
2677.	103					
2678.	103					
2679.	103					
2680.	103					
2681.	103					
2682.	103					
2683.	103					
2684.	103	251				
2685.	103	222			480	
2686.	104					
2687.	104	251	509	510		
2688.	104	272			630,690	
2689.	104	182	584	584		
2690.	104					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2691.	104					
2692.	104	222				
2693.	104					
2694.	104	222	439	439,1722	1721,1744 1770,1771	1787 CH. 4 E1
2695.	104	222	468	468	449	
2696.	105					
2697.	105					
2698.	105	252	585	585		
2699.	105					
2700.	105	252				
2701.	105	252				
2702.	105					
2703.	105					
2704.	105					
2705.	105	252	510	510	1101 1506,1579	1769 CH. 49
2706.	106	252,382	498		498	
2706. (Sub.)			498	498,1370	1369 1647,1656	1821 PV CH. 278
2707.	106	253	510	510		
2708.	106	272	569			
2708. (Sub.)			569	569	1101 1450,1527	1774 CH. 107
2709.	106	272	499		498	
2709. (Sub.)			499,573	573,1468	499,556 557,1467 1647,1656	1815 PV CH. 257

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2710.	106					
2711.	106					
2712.	106					
2713.	106	858				
2714.	106	197	396	396	1209 1647,1656	1814 CH. 263
2715.	106	272	585	585		
2716.	107	422	569	569,1371	1371 1647,1656	1804 CH. 217
2717.	107					
2718.	107	253				
2719.	107	222	511	511		
2720.	107					
2721.	107					
2722.	107	272	511	511		
2723.	107					
2724.	107	198			630,690	
2725.	107					
2726.	108	273,422	570			
2726. (Sub.)			570	570	1492 1505,1579 1713,1715	1814 CH. 254
2727.	108					
2728.	108	273	512			
2728. (Sub.)			512	512		
2729.	108		1793,1807	1811	1792	
2730.	108					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2731.	108					
2732.	108				169	
2733.	108					
2734.	108	430				
2735.	109					
2736.	109					
2737.	109					
2738.	109					
2739.	109	253	543	543		
2740.	109	273				
2741.	109	273				
2742.	109	253	466		169,449	
2742. (Sub.)			466	467		
2743.	110					
2744.	110					
2745.	110	253	449	646	637	
2746.	110	273	543	543,1372	1371 1506,1579	1821 VETOED
2747.	110					
2748.	110	254				
2749.	110					
2750.	110					
2751.	110	254				
2752.	111	274	544			
2752. (Sub.)			544	544,1372	1372 1506,1579	1784 CH. 155

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2753.	111	254	512	512	1101 1450,1527	1774 CH. 108
2754.	111					
2755.	111	182,422				
2756.	111					
2757.	111					
2758.	111					
2759.	111					
2760.	111	274				
2761.	112	254	526	526,1327	1327 1506,1579	1785 VETOED
2762.	112					
2763.	112	382	570	570		
2764.	112					
2765.	112					
2766.	112					
2767.	112					
2768.	112					
2769.	112	254,423				
2770.	113					
2771.	113					
2772.	113	274	586			
2772. (Sub.)			586	586		
2773.	113	274				
2774.	113	223,383	571			
2774. (2nd Sub.)			571	571		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2775.	113	274	440	440,1494	1493 1713,1715	1787 CH. 184
2776.	113					
2777.	113	255	487	487	169	
2778.	113					
2779.	114					
2780.	114	293	630		206	
2780. (Sub.)			630	630		
2781.	114					
2782.	114					
2783.	114	423	571			
2783. (Sub.)			571	572		
2784.	114	255				
2785.	114					
2786.	114					
2787.	115					
2788.	115	182	452	453		
2789.	130	198	413			
2789. (Sub.)			413	413		
2790.	130					
2791.	130	275				
2792.	130	275	630			
2792. (Sub.)			630	631	1183 1647,1656	1785 PV CH. 147
2793.	130					
2794.	130	275				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2795.	130					
2796.	130	275	631	631		
2797.	130	183	414	414	1269 1506.1579	1772 PV CH. 59
2798.	131					
2799.	131					
2800.	131	275				
2801.	131	276	499		498	
2801. (Sub.)			499	499.1497	1496 1647.1656	1787 CH. 190
2802.	131	276.294	513	513.1430	1428 1647.1656	1804 CH. 206
2803.	131	276	513	513		
2804.	132					
2805.	132					
2806.	132	183			690	
2807.	132				136	
2808.	132	276	586	586	1436 1439.1526 1713.1715	1787 CH. 191
2809.	132	223.383	572			
2809. (Sub.)			572	572.1373	1373 1647.1656	1784 CH. 150
2810.	132	276	513	514		
2811.	132					
2812.	133					
2813.	133	277				
2814.	133					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2815.	133	277				
2816.	133					
2817.	133					
2818.	133					
2819.	133	277,423	558		544,556	
2819. (Sub.)			559	559		
2820.	134					
2821.	134	183				
2822.	134					
2823.	134	255,383	587	587		
2824.	134					
2825.	134					
2826.	134					
2827.	134	277	573			
2827. (Sub.)			573	573		
2828.	134				169	
2829.	135					
2830.	135	278				
2831.	135	223,384	562		560	
2831. (Sub.)			562	562,1329	1327 1647,1656	1821 PV CH. 287
2832.	135	162	430	430,1398	1398 1647,1656	1814 CH. 261
2833.	146	702	729		706,708	
2833. (Sub.)			729	746		
2834.	146					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2835.	146					
2836.	146					
2837.	146					
2838.	146					
2839.	147					
2840.	147	423	574	574	1183 1647.1657	1814 CH. 266
2841.	147	278				
2842.	147	278	544	544	1099 1272.1378	1769 CH. 24
2843.	147	255				
2844.	147	255				
2845.	147	198				
2846.	147					
2847.	148					
2848.	148					
2849.	148					
2850.	148	278	587	587	1099 1272.1378	1770 CH. 53
2851.	148					
2852.	148					
2853.	148					
2854.	148	279	455		455	
2854. (Sub.)			455	455.1430	1430 1647.1657	1824 CH. 279
2855.	148	223	632	632	1101 1506.1579	1804 CH. 215
2856.	148					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2857.	149	223	644		632,637	
2857. (Sub.)			644	644		
2858.	149	256	545			
2858. (Sub.)			545	545	1209 1647,1657	1779 CH. 125
2859.	149	279	606	606	488 606,1099 1272,1378	1814 CH. 252
2860.	149					
2861.	149	279	514			
2861. (Sub.)			514	514,1373	1373 1647,1657	1788 PV CH. 176
2862.	149					
2863.	149	279				
2864.	149					
2865.	149	279				
2866.	149					
2867.	150	294				
2868.	150	256	632	632	1183 1647,1657	1771 CH. 62
2869.	150	256				
2870.	150					
2871.	150					
2872.	150					
2873.	150					
2874.	150					
2875.	150	280				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2876.	151					
2877.	151					
2878.	151					
2879.	151	224	545			
2879. (Sub.)			545	546		
2880.	151					
2881.	151	486				
2882.	151	424	574	574	574,1183 1647,1657	1814 CH. 265
2883.	151					
2884.	151	256				
2885.	152					
2886.	152					
2887.	152	280	587			
2887. (Sub.)			587	587		
2888.	152	280,424	656,1724	1723,1734	546 656,1339 1449,1631 1701,1721 1723,1766 1770,1771	1788 PV CH. 2 E1
2889.	152					
2890.	152	280	588	588		
2891.	152					
2892.	152	280	632			
2892. (Sub.)			632	633		
2893.	152					
2894.	152					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2895.	153					
2896.	153					
2897.	153					
2898.	153					
2899.	153					
2900.	153	281				
2901.	153	198	500	500,1333	1329 1647,1657	1770 CH. 51
2902.	153					
2903.	153					
2904.	153	256				
2905.	153					
2906.	154	281	529		415	
2906. (Sub.)			529	529,1404	1399 1647,1657	1804 CH. 213
2907.	154	281,384	530			
2907. (Sub.)			530	530,1523	1519 1647,1657	1787 CH. 171
2908.	154					
2909.	154					
2910.	154	198,384	471		470	
2910. (2nd Sub.)			471	472		
2911.	154	281	455	455,1466	455,1465 1647,1657	1822 VETOED
2912.	154	281	637	644	575,637	
2913.	155					
2914.	155	257,294	633			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2914. (Sub.)			633,645	645	633,637	
2915.	155	282	562		560	
2915. (Sub.)			562	562		
2916.	155	282	546			
2916. (Sub.)			546	549		
2917.	155	282	633			
2917. (Sub.)			633	633,1436	1431 1647,1657	1787 CH. 196
2918.	155					
2919.	155				206	
2920.	156					
2921.	156	282	588			
2921. (Sub.)			588	588		
2922.	172					
2923.	172					
2924.	172	257	514	514		
2925.	172	385	470			
2925. (Sub.)			470	470		
2926.	172					
2927.	172					
2928.	172					
2929.	172	550	676		634	
2929. (Sub.)			676	693 1723,1961	689,693 1274,1380 1721,1744 1766,1855 1961,1963	2000 PV CH. 17 E1
2930.	173					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2931.	173					
2932.	173	282,424	575			
2932. (Sub.)			575	575,1679	1336,1483 1620,1678 1713,1715	1824 CH. 295
2933.	173	282	575			
2933. (Sub.)			575	575	1065 1272,1379	1769 CH. 26
2934.	173					
2935.	173	283	515			
2935. (Sub.)			515	515	1269 1647,1657	1814 CH. 259
2936.	173					
2937.	173	283	634	634		
2938.	173					
2939.	174	283,425	559 646,699	559,645 699,1524	550 556,559 637,1523 1713,1715	1842 PV CH. 302
2940.	174	425	559		556	
2940. (Sub.)			559	560,1334	1334 1506,1579	1842 VETOED
2941.	174					
2942.	174	257	635	635	1101 1450,1527	1775 PV CH. 91
2943.	174					
2944.	174					
2945.	174				287	
2946.	174					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2947.	174					
2948.	174					
2949.	175					
2950.	175					
2951.	175	283,702	855			
2951. (2nd Sub.)			856		856,1377	
2952.	175	385	589			
2952. (Sub.)			589	589		
2953.	175					
2954.	175					
2955.	175	257	635			
2955. (Sub.)			635	635		
2956.	175	283,294	589			
2956. (Sub.)			589	589	1099 1272,1379	1769 CH. 21
2957.	175	224,425				
2958.	176					
2959.	176	257	515	515,1335	1334 1506,1579	1771 CH. 74
2960.	191					
2961.	191					
2962.	191	284				
2963.	191	284				
2964.	191	1134	1273		1272	
2964. (Sub.)			1273,1734	1274 1734,1739	1721,1734 1962,1963	1998 CH. 15 E1
2965.	192					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2966.	192					
2967.	192					
2968.	192					
2969.	192					
2970.	192					
2971.	192	284	608		576,606	
2971. (Sub.)			608	610		
2972.	192	284,425			635,690	
2973.	192					
2974.	192					
2975.	193					
2976.	193					
2977.	193					
2978.	193					
2979.	193	284	590		576,590	
2979. (Sub.)			591 610,619	621	591 606,612	
2980.	193					
2981.	193					
2982.	209	285				
2983.	209	285				
2984.	209					
2985.	209					
2986.	210	285,426	576			
2986. (2nd Sub.)			576	576	1269 1506,1579	1822 PV CH. 275

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2987.	210					
2988.	210	295	636	636	1183 1647,1657	1787 CH. 181
2989.	210	426	590	590,1374	1374 1506,1579	1775 CH. 109
2990.	210					
2991.	210					
2992.	210	285	516			
2992. (Sub.)			516	516		
2993.	210					
2994.	211					
2995.	211					
2996.	211	295	516			
2996. (Sub.)			516	516		
2997.	211	258	517	517		
2998.	211	258	517	517		
2999.	211	258,385	636			
2999. (Sub.)			636	636	1183 1647,1657	1780 CH. 135
3000.	211	285	456		440,455	
3000. (Sub.)			456	457		
3001.	211	285	517	517,1411	1405 1647,1657	1780 CH. 119
3002.	211	286	518	518,1416	1411 1647,1657	1780 CH. 120
3003.	212					
3004.	212					
3005.	231					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3006.	231	385	590			
3006. (Sub.)			590	590		
3007.	231	286	518			
3007. (Sub.)			518	518.1336	1335 1647.1657	1804 CH. 212
3008.	231					
3009.	233					
3010.	233					
3011.	233					
3012.	259					
3013.	259					
3014.	259					
3015.	259					
3016.	259	426	576			
3016. (Sub.)			576	577		
3017.	259					
3018.	373				480	
3019.	373					
3020.	373					
3021.	373					
3022.	427					
3023.	691					
3024.	713					
3025.	713					
3026.	1065					
3027.	1529					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3028.	1694					
3029.	1694					
3030.	1763	1783				
3031.	1768					
3032.	1773				1775	
3033.	1782,1812					
3034.	1782					
3035.	1782	1791	1792		1791	
3035. (Sub.)			1792	1792,1853	1845 1853,1963	1998 CH. 13 E1
3036.	1791		1806	1806	1791	
3037.	1812					
3038.	1812					
3039.	1969				1973	

HISTORY OF HOUSE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4006.				143	
4012.				144	
4017. (Sub.)		25			
4019.				164	
4024.		34,199	456	456	455
4025.		34			
4026.	62	286			
4027.	135				
4028.	135				
4029.	156				
4030.	156		577	577	415,1209 1648,1657
4031.	156	258	637	637	
4032.	156	286			
4033.	176	286			
4034.	212				
4035.	231				
4036.	234				
4037.	1694		1694	1694	1694,1701 1713,1715

HISTORY OF HOUSE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4200.				68	
4203.			69	69	1065 1272,1379
4204. (Sub.)				69	
4210.		25			
4224.	81				
4225.	98				
4226.	98	287			
4227.	115	258	487	487	169
4228.	115	258	526	526	
4229.	713				
4230.	1529				
4231.	1969		1969	1969	1973,1974

HISTORY OF HOUSE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4407.		25			
4410.		25			
4414.		34			
4418.			1817	1817	1816
4426.	5		5	5	25.40
4427.	4		4	4	25.40
4428.	5		5	5,125	125 172,185
4429.	62	84	577		
4429. (Sub.)			577	578	
4430.	81	199			
4431.	115	287			
4432.	135	430	855	855	1065 1272,1379
4433.	135				
4434.	176		176	176	176,185 224,233
4435.	1065				
4436.	1099				
4437.	1270		1270	1270	1270,1272 1449,1527
4438.	1483		1484	1484	1485 1648,1657
4441.	1713		1713	1713	1714,1715
4442.	1721		1721	1721	1739,1744
4443.	1775		1775	1775	1779 1781,1782
4444.	1782,1812				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
4445.	1780		1780	1780,1790	1789 1840,1844
4446.	1791		1791	1791,1887	1887,1963
4447.	1966		1966	1966	1966
4448.	1973		1973	1973	1974

HISTORY OF HOUSE FLOOR RESOLUTIONS

NUMBER AND SUBJECT	Introduced	Other Action	Adopted
4715 Notify Senate/House organized	3		3
4716 Jefferson HS girls' soccer team	26		27
4717 Rule 24 amendment (HF-4604)	40		40
4718 Kelsey Stellick, Heptathlon	81		82
4719 Martin Luther King, Jr. Day	82		83
4720 Yakima SunDome	83		83
4721 Tumwater High Football team	145		146
4722 Adna High Football team	668		669
4723 State Trooper Hawn/rememberance	124		125
4724 Goodwill Games Day	168		169
4725 Elks' Club honored	129		130
4727 Mark Russell welcomed	163		163
4728 L. E. "Bud" Garrett honored	183		184
4729 Food Banks commended	184		185
4730 Ballou Jr. HS Natl. Hist. award	200		200
4731 Medal of Honor Day	208		209
4732 Charlie Roe honored	*		2/2(R)
4733 Ports of entry/Whatcom County	295		296
4735 Dairy industry honored	436		436
4736 Curtis HS football team	1381		1381
4737 Dr. Kathleen A. Ross/educator	725		726
4738 Girls/Women in Sports Day	464		465
4739 Dancing commended/art & rec	726		727
4740 USA Rangers/Lear/Price	727		728
4741 STUDY/JntSelCmte/Pension Policy	556		556
4742 Nelson Mandela release	593		594
4743 Food Ball/Foodbowl	706		707
4746 Spokane County Drug Free Fair	1184		1185
4747 Susan B. Anthony	692		693
4748 STUDY-minorities in education	725		725
4749 Shriners/Nile Temple	707		708
4751 Derrike Cope/Daytona 500	*		2/22(R)
4752 Earth Day/April 22, 1990	801		801
4753 Alfred Fleury/100th Birthday	800		801
4754 Professor H.G. Dehmelt/Nobel Prize	1186		1187
4755 "For Kids Sake"	1048		1049
4756 Lake Stevens HS Wrestling Team	1099		1100
4757 Education Week/June 24-28	1624		1625
4758 Simpson Investment Co./Centennial	1693		1693
4759 Sea-Tac & Federal Way/Cityhood	1131		1131
4761 Rep. Glyn Chandler/Rememberance	1135		1140
4763 Margot Malone/Youth Arts flag	1623		1624
4764 Lynden CHS Lyncs BB Team	1577		1578
4765 Blaine HS Wrestling Team	1577		1577
4768 Grandview HS BB Team	1650		1650
4769 Centennial summer games/thanks	1626		1626
4770 Asotin HS Girls' BB Team	1624		1624
4774 Dean Nicholson/CWU coach	1625		1626
4777 Garfield-Palouse HS BB Team	1648		1649
4778 Skagit Valley tulips	1649		1649
4779 Whidbey Island General Hospital	1648		1648
4780 Staff/thank you	1853		1854

* - Adopted by Rules (R) Committee.

NUMBER AND SUBJECT	Introduced	Other Action	Adopted
4781 Hoquiam centennial	1692		1692
4786 Battle Ground HS Boys' BB Team	1777		1777
4787 D. James Costanti/condolences	1780		1780
4788 Snohomish HS Marching Band	1806		1807
4789 Mead HS Girls' BB Team	1815		1815
4790 Shadle Park HS Boys' BB Team	1816		1816
4791 Washington scholars honored	1836		1837
4793 WSU centennial	1818		1818
4794 Edmonds Cmty College/Japan campus	1836		1836
4795 City of Puyallup Centennial	1837		1837
4796 Representative Sayan honored	1847		1848
4797 Representative Schoon honored	1848		1849
4798 Giovanni Costigan remembered	1845		1846
4799 PLU Centennial	1837		1838
4800 Harry Bridges remembered	1839		1840
4801 Sexual abuse/equal concern	1846		1847

* - Adopted by Rules (R) Committee.

HISTORY OF SENATE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5007. (2nd Sub.)	552	768			551	
					551	
5013. (Sub.)	552	748	1231	1231	1231,1485 1527,1579	CH. 161
5059.	115				102	
5064.	115				102	
5070. (Sub.)	234				233	
5072.	552				551	
5087. (Sub.)	115				102	
5104. (2nd Sub.)	552	859			551	
5131. (Sub.)	115				102	
5132. (Sub.)	552				551	
5133.	116				102	
5135. (Sub.)	552				551	
5136.	116				102	
5146. (Sub.)	234	768			233	
					145	
5169.	156	859	1143	1144	1134,1485 1527,1579	CH. 100
5203. (3rd Sub.)	552	863			551	
					208,1191	
5206. (Sub.)	212	749	1191	1191	1294,1450	CH. 229
5227. (Sub.)	116				102	
5285. (Sub.)	116				102	
5290. (Sub.)	552	768			551	
5299. (Sub.)	116				102	
					372,1485	
5300. (Sub.)	373	864	1191	1191	1527,1579	CH. 72

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5307. (2nd Sub.) . . .	669				667	
5328. (Sub.)	234	769			233	
5340. (Sub.)	373	749	1046	1046,1642	372,1438 1533,1642 1714,1715	CH. 203
5354.	116	954			102	
5366. (Sub.)	428				427	
5371.	288,1831	695	1173,1831	1174,1831	288,1170 1831,1840	PV CH. 10 E1
5379. (Sub.)	234				233	
5424.	373	864			372	
5431.	288	1054	1144	1144	288,1134 1269,1450	CH. 131
5450. (Sub.)	289	703,954	1194	1194,1683	288,1526 1621,1652 1682,1693 1713,1714	CH. 243
5451.	482				481	
5478.	116				102	
5479. (Sub.)	136				129	
5484.	289	769			288	
5487.	373	749	1067	1067	372,1380 1417,1450	CH. 85
5503. (Sub.)	373	749			372	
5516. (2nd Sub.) . . .	212	864	1232	1233	208 1232,1675	
5522. (Sub.)	289	695			288	
5533. (Sub.)	289				288	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
					667 1067,1102 1105,1466 1685,1701	
5545. (Sub.)	669	769	1101 1105,1686	1118,1690	1713,1714	CH. 188
5547. (Sub.)	669	865			667	
5550. (3rd Sub.)	669	749,955	1067	1067	668,1380 1417,1450	CH. 168
5554. (Sub.)	669	865	1194	1194	668,1131 1294,1450	CH. 27
5555.	374	704			372	
5568. (2nd Sub.)	374				372	
5593.	552	1055	1145	1145	551,1134 1269,1450	CH. 28
5594. (Sub.)	428	751	1188	1188	427 1294,1450	CH. 219
5597.	136	866			129	
5637. (Sub.)	460				459	
5650. (Sub.)	234	866			233	
5699.	289				288	
5705.	670	868			667	
5712.	428	710	1047	1047	427,1380 1417,1450	CH. 65
5723. (Sub.)	553				551	
5798.	234				233	
5821.	212	695			208	
5835. (2nd Sub.)	670	869	1174	1174	667 1170,1380 1417,1450	PV CH. 301
5845. (2nd Sub.)	670	704,955	1145	1145	667 1134,1380 1417,1450	CH. 110

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
5872. (2nd Sub.)	289	869			288	
5882. (2nd Sub.)	670	871	1189	1189	668 1294,1450	PV CH. 291
5900.	460				459	
5908.	289				288	
5935. (Sub.)	482	782	1175	1175	481,1175 1269,1449	CH. 93
5993. (2nd Sub.)	553	871,955	1175	1175	551,1175 1269,1449	CH. 281
5996. (2nd Sub.)	553	751	1146	1146	551 1135,1380 1417,1450	CH. 158
6002.	212	696			208	
6031. (Sub.)	460	871	1068	1068,1578	459,1578 1624,1648	CH. 143
6038.	670				667,857	
6086.	596				595	
6091	1270,1850		1850	1850	1269 1850,1888	CH. 7 E1
6114.	1964		1964	1964	1964,1966	VETOED E1
6148. (Sub.)	670				668	
6164.	234	872,956	1120	1120	233 1120,1528 1579,1648	CH. 202
6165. (Sub.)	428	874			427	
6166. (Sub.)	212				208	
6167. (Sub.)	212	874	1146	1146	208,1135 1269,1450	CH. 44
6168. (Sub.)	460				459	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6172.	482	875	1068	1069	481,1380 1417,1450	CH. 137
6179.	460				459	
6180.	428	875	1241	1241	427 1294,1450	CH. 54
6182. (Sub.)	670	875	1195	1195	668,1506 1528,1580	CH. 294
6189.	670	782	1103	1103	667,1102 1269,1449	CH. 273
6190. (Sub.)	213	751,1055	1180	1181	208 1179,1294 1380,1449	PV CH. 270
6191. (Sub.)	1099,1133		1154	1155	1099,1140 1154,1380 1417,1450	CH. 269
6192.	374	753	1175	1176	372,1175 1269,1449	CH. 218
6193. (Sub.)	553				551	
6195. (Sub.)	428	875	1195	1195	427,1485 1527,1580	CH. 226
6200.	234	783	1069	1069	233,1100	CH. 4
6201.	428	753	1176	1176	427,1175 1269,1449	CH. 55
6202. (2nd Sub.)	953				953	
6210.	428	753	1069	1069	427,1100	CH. 6
6213.	670	753,956	1121	1121	668,1121 1269,1449	CH. 153
6216. (2nd Sub.)	670	713,956	1196	1196	667 1294,1450	CH. 29
6219. (2nd Sub.)	953				953	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6221. (Sub.)	670	876	1185	1186	667 1175,1176 1185,1485 1527,1580	CH. 101
6223. (Sub.)	482	876			481	
6224.	671	783	1176	1176	667,1175 1269,1449	CH. 103
6230. (Sub.)	671				667	
6232. (Sub.)	596				595	
6234. (Sub.)	671	876			668	
6239. (Sub.)	596	877			595	
6243. (Sub.)	460				459	
6246. (Sub.)	213	783			208	
6247. (Sub.)	596	877			595 1196,1377	
6250.	428				427	
6251.	460	1055			459	
6252.	671	877,956			668	
6253.	460	878	1196	1197	459 1581,1656 1714,1715	VETOED
6255. (Sub.)	553	878	1155	1156	551 1155,1495 1674,1690 1714,1715	CH. 236
6259. (2nd Sub.)	213	176 193	298	370,857	171,176 232,700 801,856 953,1050	PV CH. 3
6267.	428	753	1047	1047	427 1097,1098	CH. 13
6269.	553				551	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6272.	482	879			481	
6274. (2nd Sub.)	596				595	
6276. (Sub.)	596				595	
6289. (Sub.)	429	714	1122	1122	427 1269,1449	CH. 37
6290. (Sub.)	429	696,957	1122	1122	427,1380 1417,1450	CH. 89
6291. (2nd Sub.)	1066	1134			1065	
6292.	553	879,1185	1208	1208	551,1185 1294,1450	PV CH. 300
6295. (Sub.)	460				459	
6296.	429				427	
6300.	482				481	
6303.	374	879	1197	1197,1679	372,1502 1583,1679 1683,1693 1714,1715	CH. 241
6304.	374	880	1156	1156	372 1155,1485 1527,1580	CH. 162
6305. (Sub.)	553	704,957	1198	1198	551 1294,1450	CH. 154
6306. (Sub.)	671	714	1157	1157,1684	667,1155 1438,1628 1683,1693 1714,1715	PV CH. 268
6310. (2nd Sub.)	671	715,957	1123	1123	667,1506 1528,1580	CH. 58
6312. (Sub.)	1066				1065	
6325. (Sub.)	671	880			667	
6326. (Sub.)	596	880,957	1198	1198	595 1294,1450	CH. 289

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6327.	374	784	1070	1070	372,1100	CH. 14
6328.	429	784			427	
6329. (Sub.)	671				667	
6330. (Sub.)	553	880	1198	1199	551,1485 1527,1580	CH. 199
6332. (Sub.)	671				667	
6334.	596				595	
6335.	429	784	1157	1157	427 480,1155 1269,1450	CH. 31
6337. (2nd Sub.)	691	785			691	
6344.	460,1887	881	1887	1887	459 1887,1966	CH. 8 EI
6348. (Sub.)	429	886	1123	1123	427 1269,1449	CH. 105
6350.	671	754			668	
6352. (2nd Sub.)	691	886			691	
6353.	429	886			427	
6354.	289	704	1070	1070	288 1100,1101	CH. 19
6356.	460	887			459	
6358. (Sub.)	1183		1271	1271	1183,1184 1417,1450	CH. 42
6360.	374	711			372	
6362.	461				459	
6370.	596	887	1124	1124	595,1485 1527,1580	CH. 193
6371. (Sub.)	482	754			481	
6377. (Sub.)	553	785	1071	1071	551,1380 1417,1450	CH. 144

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6381. (Sub.)	672	888			668	
6383. (Sub.)	374	888			372	
6388.	672	888	1199	1199	668 1294,1450	CH. 121
6389. (Sub.)	461	788	1200	1200	459 1294,1450	CH. 178
6390. (Sub.)	672	754	1200	1200	668 1294,1450	CH. 179
6391.	461	788	1200	1200	459 1294,1451	CH. 224
6392.	429	788	1201	1201	427 1294,1451	CH. 79
6393. (Sub.)	461	788	1201	1201	459 1294,1451	CH. 237
6394.	461	789	1202	1202	459 1294,1451	CH. 225
6395. (Sub.)	461	754	1202	1202	459 1294,1451	CH. 180
6396.	429	789	1202	1202	427 1294,1451	CH. 111
6399.	672	888	1203	1203	668,1485 1527,1580	PV CH. 165
6402. (Sub.)	672	889			668	
6407. (Sub.)	748,1763	958	1080,1764	1097 1764,1963	748,1080 1293,1763 1766,1888 1962,1966	PV CH. 16 E1
6408.	1183		1209,1224	1225 1582	1183,1184 1209,1224 1209,1224 1377,1534 1581,1655 1714,1715	PV CH. 298

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6411.	672	889,1024	1118	1119,1651	667 1438,1584 1650,1655 1714,1715	CH. 272
6412. (Sub.)	553,1852	754	1852	1852	551,1851 1962,1963	CH. 14 E1
6417. (Sub.)	1183		1250	1268,1692	1183 1184,1249 1378,1657 1691,1701 1714,1715	PV CH. 299
6418. (2nd Sub.)	554	893,1024	1172	1172,1651	551 1125,1170 1445,1589 1651,1655 1714,1715	CH. 271
6419. (2nd Sub.)	954				953	
6421.	374	789			372	
6426. (Sub.)	461	899	1125	1125	459 1270,1450	CH. 240
6433.	596				595	
6434. (Sub.)	482	1055	1204	1204	481 1203,1576 1622,1628	
6438. (Sub.)	672				667	
6440. (2nd Sub.)	597				595	
6445. (Sub.)	461	900			459	
6446. (Sub.)	672	758,1024	1158	1158	668,1155 1270,1451	CH. 132
6447. (Sub.)	672	900,1024	1158	1158	668 1155,1380 1417,1451	CH. 133
6450.	597				595	
6451.	597	758	1243	1243	595,1243 1294,1451	CH. 216

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6452. (Sub.)	597	789,1029	1177	1178	595 1177,1380 1417,1451	CH. 23
6453. (Sub.)	554	758,1029	1125	1125	551 1270,1450	CH. 134
6454.	554				551	
6459. (Sub.)	672	904,1029			668	
6461.	482				481	
6463. (Sub.)	483	705	1072	1072	481,1072 1100,1101	CH. 7
6464.	672	759	1048	1048	668,1380 1417,1451	CH. 56
6467. (Sub.)	461	791	1204	1204	459 1294,1451	CH. 200
6470.	461	705	1205	1205	459 1294,1451	CH. 81
6473. (Sub.)	483	904	1178	1178	481 1177,1380 1417,1451	CH. 22
6474. (Sub.)	553	791	1159	1159	551 1159,1485 1527,1580	CH. 189
6475. (Sub.)	673				667	
6488.	461				459	
6492. (2nd Sub.)	954				953	
6493. (Sub.)	673	716	1102	1102	668 1048,1102 1270,1450	CH. 145
6494. (Sub.)	483	723	1125	1126,1674	481 1674,1690 1714,1715	CH. 146
6495.	673	906			667	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6499. (Sub.)	597	906	1160,1167	1167,1525	595 1159,1160 1525,1580 1624,1648	CH. 172
6501. (Sub.)	597	906,1029	1128	1128,1700	595 1127,1128 1580,1695	
6506.	597				595	
6510.	289	550	1050	1050	288 1097,1098	CH. 10
6512.	289				288	
6514.	483	705	1050	1050	481 1097,1098	CH. 15
6515.	554				551	
6517.	483	705			481	
6520.	554	759,1057	1205	1205	551 1294,1451	CH. 173
6526. (Sub.)	290	705,1030			288,1377	
6528.	483	712	1073	1073	481,1485 1527,1580	CH. 112
6531. (Sub.)	554	791	1074	1074	551 1100,1101	CH. 5
6533.	483	759	1207	1207	481 1206,1207 1294,1451	VETOED
6535.	554	723	1189	1189	551 1294,1451	CH. 50
6536. (Sub.)	673				667,857	
6537. (2nd Sub.)	673	910,1030	1243	1244,1645	667,1243 1467,1595 1645,1655 1714,1715	CH. 284
6538. (2nd Sub.)	673	914,1030			667	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6547.	429				427	
6549.	554	792	1074	1074	551 1100,1101	CH. 16
6558.	483	760	1051	1051	481 1097,1098	CH. 9
6559.	483	706	1206	1207	481 1648,1656 1714,1715	CH. 136
6560. (Sub.)	483	706	1190	1190	481,1506 1528,1580	CH. 238
6561.	429				427	
6562.	555	760,1031	1121	1121	551,1121 1269,1380 1417,1451	CH. 186
6563.	484				481	
6564.	484	760	1160	1160	481,1159 1270,1451	CH. 130
6567.	597	792			595	
6568.	597	792			595	
6571.	484	917	1208	1208	481,1485 1527,1580	CH. 183
6572. (Sub.)	484	692	1051	1052	481 1097,1098	CH. 11
6573. (Sub.)	673	760	1075	1075	667 1100,1101	CH. 12
6574.	484	724,917	1160	1163	481 1159,1485 1527,1580	PV CH. 167
6575. (Sub.)	673	792	1075	1075	667,1485 1527,1580	CH. 82
6576.	484	724	1052	1052	481 1097,1098	CH. 20

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6577.	484	724	1052	1052	481,1485 1527,1580	CH. 127
6583.	374	710,1032	1127	1128,1449	372,1449 1527,1580	CH. 157
6585. (Sub.)	597				595	
6588.	673	917	1234	1234	668 1294,1451	CH. 152
6589. (Sub.)	484	918	1225	1225	481,1225 1294,1451	CH. 76
6594. (Sub.)	598	1032	1076	1076	595 1100,1101	CH. 8
6600. (Sub.)	555	1032	1076	1076	551 1100,1101	CH. 18
6606.	484	1057	1225	1226	481 1294,1451	CH. 95
6608. (Sub.)	673	918	1226,1249	1250	668,1226 1294,1451	CH. 210
6610. (2nd Sub.)	673	918,1032	1245	1248 1682,1712	667,1159 1245,1496 1528,1681 1690,1712 1714,1715	CH. 276
6611. (Sub.)	484	924			481	
6612.	484				481	
6624. (Sub.)	1270,1838		1838	1838	1269,1838 1844,1848	CH. 6 E1
6625. (Sub.)	674	924			668	
6626. (Sub.)	462	760,1033	1141,1147	1148,1642	459 1134,1141 1439,1529 1641,1655 1714,1715	CH. 288
6629. (Sub.)	674				667	
6630.	598				595	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6639. (Sub.)	598,1763	1058	1248,1764	1249 1765,1790	595 1504,1763 1766,1790 1811,1812	CH. 5 E1
6640.	674	761	1053	1053	667 1097,1098	CH. 17
6642. (Sub.)	485	794	1129	1129	481 1270,1450	CH. 57
6648.	485				481	
6649. (Sub.)	462	1059	1163	1163,1680	459,1163 1503,1598 1680,1693 1714,1715	CH. 258
6652.	598	761	1226	1226	595,1506 1528,1580	CH. 267
6653.	555				551	
6654.	674	795			668	
6657. (Sub.)	674				668	
6663. (Sub.)	555	1060	1227	1227,1643	551 1503,1548 1643,1655 1714,1715	PV CH. 250
6664. (Sub.)	598	930	1103,1171	1171,1691	595,1077 1103,1170 1582,1623 1673,1690 1701,1713 1714,1715	PV CH. 264
6665.	485	795			481	
6667. (Sub.)	598	930,1039			595	
6668. (Sub.)	462	931,1040	1190	1190	459,1506 1528,1580	CH. 73
6669.	674	931			668	
6672.	674	932			668	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6673.	485	795	1164	1164	482,1163 1270,1451	CH. 75
6681. (Sub.)	674	761	1077	1077	667,1485 1527,1580	CH. 96
6696.	598				595	
6697. (Sub.)	462	1063	1164	1164	459,1163 1270,1451	CH. 87
6698. (Sub.)	485	932,1040	1233	1233	482,1485 1527,1580	PV CH. 128
6700. (Sub.)	674	934	1165,1179	1180	667 1163,1165 1179,1506 1528,1580	CH. 123
6701. (Sub.)	485	1063	1227	1228	482,1485 1527,1580	CH. 117
6710. (Sub.)	674				667	
6713. (Sub.)	675	795	1077	1077	667	
6726. (Sub.)	598	796,1043	1165	1165	595 1163,1485 1527,1580	CH. 195
6727.	485	761	1078	1078	482,1485 1527,1580	CH. 163
6729. (Sub.)	555	935	1165	1166	551 1163,1485 1527,1580	PV CH. 230
6731. (2nd Sub.)	598	797	1228	1228	595 1294,1451	CH. 262
6733. (2nd Sub.)	1133		1149	1154	1133,1140	
6734. (Sub.)	598	797			595	
6738.	462	724			459	
6740.	675	935			668	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6741.	599	936	1166	1166	595 1163,1506 1528,1580	CH. 201
6746.	675	939			668	
6754.	675	798			668	
6761.	462	939			459	
6764. (Sub.)	555	798,1043	1244	1245,1495	551 1242,1244 1495,1528 1579,1648	CH. 290
6767. (2nd Sub.)	675	939,1043	1234	1241	668 1229,1503	
6768.	485				482	
6771. (Sub.)	555	798,1043	1141	1142	551,1134 1467,1528 1579,1648	CH. 138
6776. (Sub.)	485	940	1166	1166	482,1163 1270,1451	CH. 166
6777.	485	1063	1242	1242	482 1294,1451	CH. 97
6779. (2nd Sub.)	599	941,1044	1168		595 1168,1377	
6780. (2nd Sub.)	599	764,1044	1168	1168	595,1168 1439,1528 1579,1648	CH. 253
6786.	675	799			667	
6791.	555				551	
6792. (Sub.)	485	943,1044			482 1078,1377	
6797.	486	945	1229	1229	482	
6802.	462	946	1229	1229	459 1294,1451	CH. 164
6813.	675				667	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6814. (Sub.)	675	946			668	
6816.	555	1063	1168	1168	552,1168 1270,1451	CH. 185
6822.	599	766	1053	1053	595,1506 1528,1580	CH. 141
6827. (Sub.)	462	766,1044	1169	1169	459 1168,1506 1528,1580	CH. 260
6832. (2nd Sub.)	675	946,1045	1129	1129	668,1129 1270,1450	CH. 292
6834.	675	947	1178	1179	668 701,1177 1270,1450	CH. 187
6836. (Sub.)	599				595	
6839.	675	947,1045	1130	1130	668,1506 1528,1580	CH. 277
6841. (Sub.)	1270				1209	
6842.	555				552	
6859. (Sub.)	599	947	1079	1079	595,1506 1528,1580	CH. 255
6861.	555	948			552	
6862.	555	948	1169	1169	552,1168 1270,1451	CH. 142
6866.	675	948	1170	1170	668,1168 1270,1451	CH. 113
6868. (Sub.)	556	949	1130,1142	1143	552 690,1130 1134,1528 1579,1648	CH. 122
6874.	676				668	
6880. (Sub.)	462	799,1045	1242	1242	459,1528 1579,1648	CH. 256

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
6897.	1184		1209	1209	1183 1294.1451	CH. 293
6901. (Sub.)	1138				1133	
6904.	1184.1763		1210.1765	1224.1765	1183 1378.1451 1763.1767	
6906.	1843		1843	1843	1843.1888	CH. 12 E1
6909.	1851		1851		1850.1851	
6910.	1965		1965	1965	1965	
6913.	1970		1970	1972	1970.1974	CH. 1 E2

HISTORY OF SENATE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8003.	156	706	1230	1230	145 1294,1451
8009.	676				668
8014. (Sub.)	486				482
8017.	374	799	1230	1230	372 857,1528 1579,1648
8018.	676	766	1054	1054	668 1097,1098
8019.	136	183	458	458	129 455,691
8020.	194	725	1066	1066	191,1066 1100,1101
8022.	234				233
8023.	599	949	1192	1193	596,1191 1192,1528 1579,1648
8025.	676	766	1079	1079	668 1100,1101

HISTORY OF SENATE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
					668,1504
					1526,1627
					1684,1694
8212. (2nd Sub.)	676	766,1046	1080	1080,1684	1714,1715

HISTORY OF SENATE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action
8428.	4		4	4	4.25
8429. (Sub.)	1066,1831	1141	1711,1832	1712,1832	1065,1711 1830,1840
8433. (Sub.)	954				953
8436.	1066				1065
8437.	1104		1104	1104	1103,1154
8440.	1694		1695	1695	1579,1695 1714,1715
8442.	1714		1714	1714	1713 1714,1715
8444.	1844		1844	1844	1844 1850,1888
8446.	1782,1812		1812	1812	1779 1836,1840
8448.	1851		1851	1851	1851,1963
8449.	1831		1831	1831	1830,1840 1844,1848

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- Unintended pregnancies, support for adoption as an option: *HB 2602, CH 285
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- Dairy products commission, examination and regulation of biotechnology that might adversely affect dairy industry: SHB 2545
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- Farmworker housing, grant and loan program, eligibility: 2SHB 1663
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- Grass seed burning, research, fee increased: *SB 6866, CH 113
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- Milk pumping, exemption from special fuel tax: HB 2776, *SB 6816, CH 185
- Recordkeeping requirements, farms and ranches: HB 2767
- Security interests in crops, central filing system: HB 3037, SSB 6501
- Sludge, labeling of products grown or processed with: HB 2814
- Unemployment compensation coverage, agricultural workers over age eighteen: SSB 5830
- Unemployment insurance, voluntary combined reporting for agricultural employers: SB 6761, *SHB 2426, CH 245

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- Central filing system operators, licensing duties: HB 3037
- Dairy industry, monitoring of products, rulemaking authority: SB 6861
- Director, organizational and appointment powers: *SSB 6289, CH 37
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- Ethanol fuel use and production, study: HB 2415
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- Mushroom buyers and dealers, licensing duties: HB 2924, *SB 6576, CH 20
- Organic food certification, packing sheds and wholesale distributors: SHB 2952
- Pesticide recordkeeping form adoption: SSB 6246
- Pesticides, home pesticide containers, authority to regulate size of containers: SHB 2593
- Pesticides, minor use advisory committee, membership and duties: SSB 6526
- Promotion of Washington agricultural products, duties: HB 2518
- Purple loosestrife control and eradication, duties: 2SSB 6291
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- Tokyo office, study of colocation efforts with department of trade and economic development: SSB 5004

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- Nursing home pilot facility for patients with AIDS: *HB 2395, CH 207
- Special needs infants and children, medical and developmental assistance: HB 2751, SHB 2751

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- Clean air act enforcement duties, transfer to department of health: HB 2448
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- Control authorities, building permits for commercial development, review and approval duties: HB 2894
- Diesel-powered vehicles, report on effects of emissions: HB 1950
- Grass seed burning, research, fee increased: *SB 6866, CH 113
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- Teacher, course on child abuse issues for certification: *HB 2331, CH 90
- Testimony of child witness-victim, closed-circuit television or video testimony: HB 2871, SJR 8231, *SHB 2809, CH 150
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- Medical expenses, definition of support obligation: HB 2817
- Revision of references to chapter 26.19 RCW: HB 2962
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- Children's health program: *SHB 2603, CH 296
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- Developmentally disabled infants and toddlers, early intervention interagency program requirements: SHB 1934
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- State classified employees, tuition waivers, conditions: *SHB 1824, CH 88
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- Teaching assistants in foreign languages, selection criteria: HB 2733
- Textbooks, accessibility to students with visual or learning disabilities: HB 2440
- Tuition and fee waivers for children of Washingtonian killed or totally disabled in line of military duty: HB 2909
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CORRECTIONS, DEPARTMENT (See also JAILS; PRISONERS; PRISONS; SENTENCING)

Correctional facilities siting authority, membership and duties: 2SHB 2951, HB 3022

Correctional industries: SHB 2258, *SSB 6473, CH 22

Juvenile rehabilitation responsibilities, study: HB 2676

Litter cleanup, community service programs for offenders: *SHB 2513, CH 66

Mitigation funds, counties where state correctional institutions are located: SB 6114

Population limits at correctional institutions removed: *HB 2939, CH 302

COSMETOLOGY

Licensing requirements: 2SHB 1366

COUNTIES (See also LAND USE PLANNING; RETIREMENT AND PENSIONS)

Building codes, power to amend: SHB 1893, SB 5797

Charters, alternative method for framing, constitutional amendment: HJR 4200

Comprehensive plans, transportation elements, requirements: HB 2656

Conservation areas, acquisition: HB 2588, *SSB 6639, CH 5 E1

Criminal justice services, funding assistance: SHB 2833, HB 3039, SB 6904, SB 6909,
*SB 6913, CH 1 E2

Curfew ordinances, authority to enact: HB 2750

Domestic processing of forest board land timber: HB 2818

Edgestripping, certain paved roads: SSB 5491

Ferries, deficit reimbursement: HB 2434

Finances, task force on city and county finances, membership and duties: HB
3039, *SB 6913, CH 1 E2

Fire marshal programs, state funds: HB 2282

Flood insurance, national program, participation, limits on state regulatory
authority: HB 2397, SB 6179

Gambling tax revenue, uses: HB 2886, HB 3021

Growth planning, coordination of state and local governments: *SHB 2929, CH 17
E1Housing, human services, health, and economic development account, use of
funds: SHB 2205

Indigent defense costs: HB 2506, HB 2833

Law enforcement officers, volunteer, pension plan: HB 3027

Law enforcement service districts authorized, organization, powers, and duties:
HB 2305

Litter and illegal dumping, cleanup: SHB 2513

Metropolitan municipal corporations, home rule counties: SHB 2030

Misdemeanors, uniform penalties: HB 2611

On-premises advertising displays, forced removal, compensation: HB 2712

Property tax equalization account: HB 2811

Property tax levy, medical services and related health care: SHB 2507

Property tax levy, precedence of: HB 2780

Public corporations, review and decision making authority: SSB 6474

Public facilities plan, development: HB 2880

Purchasing departments: HB 2779

Real estate excise tax, unincorporated areas: HB 3036

Regional jail facilities, transfer of prisoners: HB 3022

Regional mental health support networks, block grants: *SB 6344, CH 8 E1

Reserved timber, compensation for losses resulting from limits on sales to quali-
fied enterprises: SHB 3016

Residences near jails, exemption from county property tax levy: HB 2368

Road administration board, executive director position: *HB 2840, CH 266

School impact fees, imposition and collection: HB 2860

Seed capital pools, creation authorized: HB 1423

Small works roster, uniform process to award contracts: SHB 2992

Solid waste systems and plants contracts, procedure, compliance standards:
*SHB 2854, CH 279

Street utility charges: *SSB 6358, CH 42

Technical amendments: HB 2934

Tidal and shoreline lands, zoning authority: SHB 1209

Tidelands, sale: HB 2748

Transportation plan, receipt of state funds, prerequisites: HB 2332

Urban growth areas, designation: SHB 2734

COUNTY ASSESSORS

Computer software, listing and assessment for tax purposes: *SSB 6859, CH 255
Valuation, credit for non-portable personal property: SSB 6232

COUNTY AUDITORS

Motor vehicle licensing and permit fees collected by subagents: 2SSB 5568
Special district elections, districts with fewer than 500 voters: 2SHB 1911
Voter registration by mail, duties: SHB 2755, SHB 3000

COUNTY CLERKS

Adoption assistance resources: *SSB 6494, CH 146
Juror summons: *HB 2306, CH 140

COUNTY COMMISSIONERS

Emergency services communications systems excise tax rate: HB 2619
Five member boards, procedure: HB 2931, *HB 2859, CH 252

COUNTY LEGISLATIVE AUTHORITY (See COUNTY COMMISSIONERS)**COUNTY ROAD ADMINISTRATION BOARD**

Executive director position: *HB 2840, CH 266

COUNTY TREASURERS

Transportation vehicle fund, maintained for each school district in county: HB 2707

COURTS, OFFICE OF THE ADMINISTRATOR

Child support schedule, forms: *HB 2888, CH 2 E1

COURTS (See also CRIMES; DISTRICT COURT; JUDGES; SUPERIOR COURT)

Commissioners, appointment: *HB 2808, CH 191
County courts, filing fees, distribution: SHB 2833
Firearms prohibited, buildings used for judicial proceedings: SHB 2863
Interpreters, appointment in legal proceedings involving non-English-speaking person, exceptions: *SB 6571, CH 183
Juror summons, county clerk may assume responsibility for all courts: *HB 2306, CH 140
Protection and antiharassment orders, hearing and effective dates: HB 2267, HB 2300

CREDIT

Agreements, enforceability, notice requirements, exceptions: *2SHB 1653, CH 211
Reports, use of social security number or other identification to avoid confusion with other buyers' reports: SB 6791
State agencies may report receivables to credit reporting agencies: HB 2353, SB 6328

CREDIT CARDS

Check cashing identification: HB 2261, *SSB 5340, CH 203
Telephone, sale or publication of card numbers, gross misdemeanor: SHB 2789, *SSB 6572, CH 11

CRIMES (See also MOTOR VEHICLES; VICTIMS OF CRIMES)

Arson, second degree, basis of charge of murder in the first degree when death results: *SSB 6467, CH 200
Arson, tampering with fire alarms or equipment with intent to commit arson, felony: *SHB 2342, CH 177
Arson, tampering with fire fighting equipment with intent to commit arson, felony: HB 2341
Bus drivers, assault, penalties: *SSB 6255, CH 236
Cemeteries, willful damage, gross misdemeanor: *HB 2335, CH 92
Check cashing identification, misdemeanor to record credit card number or expiration date: HB 2261

CRIMES—cont.

- Child labor laws, enforcement, penalties: SHB 3030
- Children, unauthorized communication by private organization: HB 2307
- Commercial vessels, negligent operation: *SB 6335, CH 31
- Controlled substances, analogs and precursors: HB 2829
- Controlled substances, penalties increased for manufacture or sale on or near public buses and parks: *SHB 2336, CH 244
- Dogs and cats, use for purpose of training animals prohibited, penalties: *SSB 6195, CH 226
- Driving under influence of alcohol, driver's license suspension or revocation: HB 2585
- Enticement for purpose of committing a sexual offense, gross misdemeanor: HB 2746
- Failure to comply, occupants of motor vehicles, gross misdemeanor: HB 2575
- Failure to comply, two or more instances: *SSB 6608, CH 210
- Fire sprinkler systems, installation of inoperable systems, class C felony: HB 2340
- Firearms, unlawful possession, conviction of crime of domestic violence: SHB 2827
- Fisheries laws violations, penalties: *SSB 6377, CH 144
- Fishing bait packaging, nonbiodegradable materials prohibited: HB 2304
- Food products, transportation of adulterated foods in tank vehicles: HB 2256
- Harassment, redefinition of offense: HB 2781
- Health care facility access, interference with, gross misdemeanor: SHB 2622
- Law enforcement vessels, eluding or attempting to elude, class C felony: SB 6648, *HB 2429, CH 235
- Minors, depictions of minors engaged in sexually explicit conduct, possession: *SHB 2752, CH 155
- Misdemeanors, uniform penalties: HB 2611
- Motor vehicles, unlawful transfer of ownership or subleasing, penalties: SHB 2251, *SSB 6167, CH 44
- Residential burglary, juvenile offenders, punishment and supervision options: SSB 6841
- Sexual misconduct with a minor, teachers in significant relationship with persons under eighteen years old: HB 2678
- Sexual offenders, failure to register, class C felony: HB 2287, HB 2324
- Sports officials, assault, penalty: HB 2913
- Teachers, abuse, misdemeanor: HB 1673
- Telecommunications fraud: SHB 2789, *SSB 6572, CH 11

CRIMINAL JUSTICE SERVICES

- Funding: HB 2848, SSB 6547, SB 6904, SB 6909, *SB 6913, CH 1 E2
- Local justice assistance board, membership and duties: SHB 2833
- Safe neighborhoods pilot program established: HB 2647
- Yakima county, enhancement of services, appropriation: SB 6910

CRIMINAL OFFENDERS

- Governor's community protection act: 2SHB 2384, *2SSB 6259, CH 3
- Governor's community protection act, technical amendments: HB 3033, *SB 6906, CH 12 E1
- Litter and illegal dumping, nonviolent drug offenders, community service cleanup programs: *SHB 2513, CH 66

CRIMINAL PROCEDURE

- Closed-circuit television, testimony of child abuse victims: *SHB 2809, CH 150
- Defendant, costs of jail processing: SSB 5547
- Defenses, mental condition defenses: HB 2456

DAY CARE

- Agencies and providers, licensing requirements: SSB 6475
- Before and after school child care program created: HB 2356, 2SHB 2471

DAY CARE—cont.

- Business and occupation tax credits, employer providing child care assistance to employees: HB 2628
- Company-assisted child care, state assistance, eligibility, conditions: HB 2377
- Intergenerational child care program, department of community development: SB 5821
- School districts, on-site day care for educational employees: SSB 5522
- Services to children, appropriations: HB 2897

DEAF PERSONS

- Disabilities land trust, designation and management of lands: HB 2825
- Hearing impaired services, office of, creation: HB 2597
- Telecommunications devices: SHB 2556, *SSB 6290, CH 89

DEATH PENALTY

- Execution date stayed, automatically reset for thirty days after termination of stay: *HB 2714, CH 263

DEEDS

- Deed of trust act: *SB 6396, CH 111

DEFENSES (See CRIMINAL PROCEDURE)**DENTISTS**

- Prescriptions, out of state prescriptions may be filled by pharmacies in Washington: *SSB 5594, CH 219

DEVELOPMENTALLY DISABLED

- Conservation corps: *HB 2289, CH 71
- Enticement for purpose of sexual contact, gross misdemeanor: HB 2746
- Prevailing wage law, exemption: SSB 6629
- Protection, authority of law enforcement officers and others to take into custody: HB 2581
- Residential habilitation centers, transfer to community programs: SHB 2631

DISABLED PERSONS

- Children, development of programs: HB 1934
- Conservatorships for gravely disabled persons: HB 2468
- Fishing from boats, power fishing reels: SSB 5688
- Guide dogs, discrimination prohibited in real estate transactions with disabled persons using: SB 5622
- Parking permits, eligibility: *HB 2842, CH 24
- Property tax exemptions and deferrals for persons retired because of physical disability: SB 6874
- Specialized transportation services account: HB 3013
- Students in higher education, task force: *HB 2441, CH 86
- Supported employment: HB 2692
- Textbooks at state colleges and universities accessible to students with visual or learning disabilities: HB 2440
- Utility rates, reduced for low income disabled citizens: *SB 6802, CH 164

DISCRIMINATION

- African-American affairs, state commission, office of the governor: SHB 2084
- Awards in administrative hearings, limit raised: HB 2838
- Familial status, discrimination in real estate transactions prohibited: SHB 1746
- Familial status or sexual orientation, discrimination, jurisdiction of human rights commission: SHB 2072
- Guide dogs, discrimination prohibited in real estate transactions with physically disabled persons using: SB 5622
- Integration incentive grant program: HB 2586

DISCRIMINATION—cont.

- Magnet school program, financial assistance to eliminate minority group isolation in public schools: SHB 2517
- Minority justice commission, membership and duties: SHB 3006

DISPUTE RESOLUTION CENTERS

- District court, small claims court, filing fee surcharge to fund: HB 2380, *SSB 6499, CH 172

DISTRESSED AREAS

- Communities affected by reduction in allowable timber cutting, petitioning Congress to assist: HJM 4027
- Technical assistance grants to community-based groups for redevelopment projects in low-income areas: 2SSB 5104

DISTRICT COURT

- Clerks, judges pro tempore, and commissioners, salary from state funds: HB 2735
- Dispute resolution centers, filing fee surcharge to fund: *SSB 6499, CH 172
- Electoral districts, establishment, requirements: *SHB 2709, CH 257
- Fines and penalties, disposition: HB 2736
- Harassment actions, jurisdiction: HB 2629
- Pro tempore municipal court judges, appointment of district judges, cities over 400,000: *HB 2492, CH 182
- Service of process by mail: SSB 6239
- Small claims department, dispute resolution centers: HB 2926, HB 2927
- Traffic infractions, deferral of determination: HB 2404

DIVERS, COMMERCIAL

- Shellfish divers, certification and safety requirements: SHB 2452

DNA (DEOXYRIBONUCLEIC ACID)

- Identification system: SHB 2349, *SSB 6729, CH 230

DRIVERS' LICENSES

- Commercial driver's licenses, horse trailers, exemption for persons towing: SB 6561, *SB 6464, CH 56
- Driving while intoxicated, administrative revocation of license: SSB 6710
- Examination, waiver for drivers surrendering valid out-of-state license: *SB 6558, CH 9
- Parking violations, satisfaction before renewal: SB 6909
- Revocation of driving privileges for alcohol or drug offenses: HB 2425, HB 2585
- State employee, operation of state-owned vehicles, driver's license, proof required: HB 2803, *SB 6673, CH 75
- Suspension, juvenile's driver's license, defacing property: HB 2512
- Suspension, juvenile's driver's license, school dropout: HB 2275, HB 2640
- Technical corrections to licensing laws: SHB 1465
- Voter registration, applying for or renewing driver's license: 2SHB 1666, SHB 3000, *SSB 6031, CH 143
- Written test, required every third renewal: HB 2669

DRUG ABUSE TREATMENT

- Alcoholism and controlled substance abuse act, technical amendments: *2SHB 2986, CH 275
- Child, alcohol and drug abuse evaluation, involuntary commitment procedure: HB 2870
- Confidentiality of patient records: SSB 6312
- Special needs infants and children, medical and developmental assistance: SHB 2751
- Substance abuse, interdepartmental coordinating committee, membership and duties: SSB 6710

DRUGS

- Abuse issues course, teachers' initial certification: *HB 2331, CH 90
- Child abuse, abuse of controlled substances during pregnancy: HB 2732
- Controlled substances, analogs and precursors, crimes and penalties: HB 2829
- Controlled substances, forfeiture of vehicles used in illegal transfers: *HB 2542, CH 248
- Controlled substances, penalties increased for manufacture or sale on or near public buses and parks: *SHB 2336, CH 244
- Driving privileges, revocation for alcohol or drug offenses: HB 2425
- Drug prevention plan for assisted housing, requirements: SHB 2971
- Emergency medical response expenses, liability of intoxicated person: HB 3020
- Generic drugs, substitution when prescription is issued in another state: HB 2394, *SB 6192, CH 218
- Indigent drug addicts, treatment and support, eligibility and caseload ceilings: SHB 2087
- Legend drugs, uniform labeling: HB 3029
- Nurse practitioners, advanced, limited prescribing privileges: SHB 2451
- Prescriptions, out of state veterinary and dentist prescriptions may be filled by pharmacies in Washington: *SSB 5594, CH 219
- Substance abuse, interdepartmental coordinating committee, membership and duties: SSB 6710
- Work place alcohol and drug testing: HB 2758

EARTHQUAKES

- Earthquake project and federal earthquake insurance, petitioning Congress to support: *SJM 8025
- School preparedness policy, requirements: HB 2623
- Seismic events, joint select committee: SHCR 4407, SHCR 4429
- Seismic safety commission, membership and duties: SHB 2454

ECOLOGY, DEPARTMENT

- Airport noise standards: HB 2713
- Aquaculture, floating, monitoring, data collection, and consideration of environmental impacts: SHB 1883
- Diesel-powered vehicles, emissions study: HB 1950
- Environmental coordination procedures act: *SB 6172, CH 137
- Fishing associated litter, public education, duties: HB 2304
- Infectious waste, powers and duties: SHB 2388
- Jet aircraft emissions study: HB 2617
- Mixed transuranic hazardous waste, facility's final permit: SHB 2875
- Oil and hazardous materials spills, contingency plan requirements, duties: HB 2494, *2SHB 2494, CH 116
- Oil and hazardous substance spill and prevention, state-wide master contingency plan: HB 2494, *2SHB 2494, CH 116
- Oil and hazardous substance spills, authority of department to respond: HB 2494, SHB 2494, *2SHB 2494, CH 116
- Oil recycling, duties: HB 2569, SHB 2569
- Oil spills, contingency plan requirements, duties: SHB 2494, *2SHB 2494, CH 116
- Ozone depleting chemicals, regulation of use of: HB 2414, SHB 2414
- Public facilities plan, development and submission by cities and counties: HB 2880
- Puget Sound, office of, created: HB 2482
- Puget Sound water quality advisory board, organization and duties: HB 2176
- Radioactive materials handled under state licenses or permits, liability coverage requirements: *SSB 6575, CH 82
- Sludge utilization and disposal, study: HB 2259
- Solid fuel burning devices, retail sales: *SSB 6698, CH 128

ECOLOGY, DEPARTMENT—cont.

- Waste reduction, recycling, and procurement plan for state agencies and local governments, development duties: SHB 2570
- Water discharge fees, administrative expenses for indirect dischargers: HB 2936
- Water resources, regional comprehensive planning, duties: 2SSB 6779, *SHB 2932, CH 295
- Wetlands program, requirements: HB 2729
- Wildlife rescue coalition, establishment: *2SHB 2494, CH 116

ECONOMIC DEVELOPMENT

- City and county seed capital pools, creation authorized: HB 1423
- Community economic diversification program created in department of community development: SSB 6792, *SHB 2706, CH 278
- Community economic stability act: HB 2704
- Growth planning, state and local: SHB 2734
- Housing, human services, health, and economic development account, distribution of funds: SHB 2205
- Industrial competitiveness program, assistance to small manufacturers: HB 2938, SSB 6325
- Industrial growth demonstration pilot project: SHB 2921
- Land-use planning, state and local governments: HB 3003
- Leadership conference, Pacific Northwest states and provinces: *SCR 8440
- Local economic development service program: SHB 2881
- Pacific Northwest interstate compact on international trade: SB 5631
- State-wide economic growth, rural-urban linkages: SHB 2881, SHB 2929
- Technology development and commercialization, state role: 2SHB 2023
- Washington marketplace program, revisions: *SSB 6642, CH 57
- Wood products, petitioning Congress to create an open and free market for United States: HJM 4028

ECONOMIC DEVELOPMENT FINANCE AUTHORITY

- Organization and powers revised: *HB 2850, CH 53

ECONOMIC FORECASTS

- Economic and revenue forecast council, organization and duties modified: *SSB 5206, CH 229

EDUCATION, STATE BOARD

- Accountability through outcome-based education pilot project, duties: HB 2323
- Before-and-after school child care program, rulemaking authority: HB 2356
- Collaborative projects among colleges, schools, and school districts, program: SB 5519
- Educational service district boards, sale or purchase of real property, rulemaking authority: *SHB 2378, CH 159
- Master's degree requirement for teacher certification after 1992 repealed: SSB 5637
- School modernization and construction, appropriation: HB 3031
- Teacher certification, uniform entry to practice assessment: HB 2495
- Teacher preparation, award for excellence program: *SB 5371, CH 10 E1

ELECTIONS (See also CAMPAIGNS)

- Absentee ballots, inclusion in election abstracts: HB 2657, HB 3000, *2SSB 6731, CH 262
- Ballot format, unification and simplification of laws and procedures: SHB 2008, *HB 2797, CH 59
- Ballot titles, preparation, appeals, and readability guidelines: SSB 5723
- Candidacy, unification and simplification of laws and procedures: *HB 2797, CH 59
- Candidates, nominating procedures: HB 2549
- Candidates' pamphlet, charges for space eliminated: HB 1747

ELECTIONS—cont.

- Canvassing, unification and simplification of laws and procedures: *HB 2797, CH 59
- City officials, optional code cities, terms and procedures: HB 1570
- Fire protection district benefit charge authorization, ballot: *SSB 6182, CH 294
- Local government elections, technical amendments: *SHB 2935, CH 259
- Poll closing, asking federal government to adopt uniform poll closing law: HJM 4006
- Precinct committee officers, election in absence of declared candidate: HB 2548
- Precinct election officers, appointment: HB 2550
- Precinct election officers, may not serve if candidate for any other office: HB 1035
- Presidential, parties must file a list of candidates and presidential electors: HB 1226
- Property tax levy elections, number of electors voting, determination: HB 2828
- Superior court judges: HB 2885
- Voter assistance: SSB 5299
- Voter registration by mail: HB 1129
- Voters' rights act of 1990: SHB 3000
- Voting equipment, unification and simplification of laws and procedures: *HB 2797, CH 59
- Voting machines, use of machines that do not record votes on separate ballots prohibited: *HB 2775, CH 184

ELECTRICITY

- Electric transmission research needs task force, membership and duties: *SSB 6771, CH 138
- Electrical utilities, cities and towns to set terms and conditions for placement: SHB 1661
- Energy code, adoption of state code: HB 2254

ELECTRONIC FUND TRANSFERS

- Tax payment required by electronic funds transfer when tax exceeds specified amount: *SHB 2344, CH 69

EMERGENCY SERVICES

- Communications systems excise tax rate determined by county legislative authority: HB 2619
- Emergency communications systems study: HB 2605
- Emergency medical response expenses, liability of intoxicated person: HB 3020
- Professional rescuer doctrine abrogated: SHB 2630
- Property tax levies for emergency medical services, forty percent validation requirement removed: HB 2303
- State-wide emergency medical services and trauma care system act: SHB 2675, *SSB 6191, CH 269
- State-wide enhanced 911 system study, utilities and transportation commission: HB 2823, *SSB 6827, CH 260

EMPLOYER AND EMPLOYEE

- Applications and interviews, videotaped: HB 2263
- Child care, company-assisted, state assistance, eligibility, conditions: HB 2377
- Child labor laws, enforcement, penalties: SHB 3030
- Eight hour work day and forty hour work week limit, exceptions: HB 2363
- Health care benefits, basic group plan for employers of fewer than twenty-five employees: *SB 6834, CH 187
- Industrial insurance labor-management cooperation program: HB 2491, SSB 6383
- Locked out workers, eligibility for unemployment compensation: HB 2432
- Reductions in business operations, employer obligations: HB 2704
- Safety bonus programs, report to department of labor and industries: HB 2407
- Small employer health insurance pool: HB 2693

EMPLOYER AND EMPLOYEE—cont.

- Support enforcement office collection efforts, employer cooperation: *SB 6399, CH 165
- Wage deductions, authorized purposes: HB 2564
- Work place alcohol and drug testing: HB 2758
- Workplace safety bonus programs, limitations on: HB 2702

EMPLOYMENT

- Adoptive parents, family leave: SB 5966
- Applications and interviews, videotaped: HB 2263
- Background checks on prospective employees or volunteers who will work with children: *2SSB 6259, CH 3
- Child labor laws, enforcement, penalties: SHB 3030
- Community economic stability act: HB 2704
- Eight hour day, six day week, overtime pay provisions: SHB 2916
- Eight hour work day and forty hour work week limit, exceptions: HB 2363
- Employees reporting to work, payment for less than scheduled work: HB 2908, SHB 2916
- Hazardous materials, workplace exposure standards: HB 2930
- Hazardous materials, workplace exposure standards, hazardous materials, hazardous materials, hazardous materials: HB 2486
- Low-income persons, self-employment loan fund established: 3SSB 5203
- Tobacco use during nonworking hours: HB 2773
- Training and education pilot projects: 2SHB 2348, SB 6411
- Washington employment futures program: SHB 1294
- Work place alcohol and drug testing: HB 2758
- Workplace safety bonus programs, limitations: HB 2702
- Youth career skills pilot project: HB 2983
- Youth employment and supportive services, appropriation: HB 2677

EMPLOYMENT AGENCIES

- Employment listing or referral services, licensing requirements, enforcement actions: *SHB 2457, CH 70

EMPLOYMENT SECURITY, DEPARTMENT

- Apprenticeship programs, establishment: HB 2348, SB 6411
- Dislocated rural workers, training and services pilot program: 2SHB 2348
- Substance abuse prevention and treatment for youth pilot program, duties: 2SHB 2348, SB 6411
- Youth employment and supportive services, appropriation: HB 2677

ENERGY

- Energy efficiency account, energy efficient improvements in state buildings: HB 1176
- Energy facility site evaluation council, administration and support functions: SB 6034, *SSB 6573, CH 12
- Energy policy study, reduction of greenhouse gases: 2SHB 2957
- Low-income home energy assistance: *HB 2667, CH 1 E1
- Residential buildings, energy code, maximum and minimum standards: *SHB 2198, CH 2
- State energy code, adoption: HB 2254
- Thermal plant certification, carbon dioxide emissions: SB 5705

ENVIRONMENT (See also AIR POLLUTION; ECOLOGY, DEPARTMENT; LAND USE PLANNING; POLLUTION; WASTE; WATER)

- Driftnets, requesting that Congress and the President work to ban: HJM 4033
- Environmental coordination procedures act, permit applications: *SB 6172, CH 137
- Environmental hearings office, administrative appeals judges, appointment: *SB 5712, CH 65
- Environmental rights, constitutional amendment: HJR 4226

ENVIRONMENT—cont.

- Fishing bait packaging, nonbiodegradable materials prohibited, educational material: HB 2304
- Global warming, state programs addressing the greenhouse effect: 2SHB 2957
- Land-use planning, state and local governments: HB 3003
- Oil spill commission, creation, membership, and duties: HB 2869
- Puget Sound protection act, requests Congress to enact to study oil spills, oil pollution, and the transportation of oil: HJM 4025
- Sludge landspreading, regulation, permit process: HB 2259

ESCROW AGENTS

- Deposits, authorized forms: *SSB 5340, CH 203

ESTATE TAX (See TAXES - ESTATE TAX)**EXCHANGE STUDENT PLACEMENT AGENCIES**

- Regulation: 2SHB 2624

EXCISE TAX (See TAXES - EXCISE TAX)**FAMILY INDEPENDENCE PROGRAM**

- Administration, revised provisions: 2SHB 2393
- Executive committee, powers and duties, expansion of: *SSB 6624, CH 6 E1

FERRIES

- County operated, deficit reimbursement: HB 2434
- Passenger-only ferry services: HB 2805, HB 2889
- Private ferries, moratorium on new certificates: HB 2641
- Puget Sound ferry operations account, repeal of excess funds transfer provisions: *HB 1957, CH 78.

FINANCIAL MANAGEMENT OFFICE

- Economic, revenue, and caseload forecast council, revision of name and duties: SB 5354
- Employment training and education program, study and pilot project duties: 2SHB 2348, SB 6411
- Juvenile rehabilitation system study: *2SSB 6832, CH 292
- Subsistence and travel expenses, meeting expenses and mileage reimbursement, administration: *HB 1703, CH 30

FIRE PROTECTION

- County fire marshal programs, state funds: HB 2282
- Fire alarms or equipment, tampering with intent to commit arson, felony: *SHB 2342, CH 177
- Fire fighting equipment, tampering with intent to commit arson, felony: HB 2341
- Fire service training center bond retirement fund reinstated: HB 2311
- Smoke detection systems, multiple family dwellings: HB 2866
- Sprinkler system contractors, licensing requirements: *SHB 2342, CH 177
- Sprinkler systems, installation of inoperable systems: HB 2340
- State buildings, study of method of payment: *HB 1055, CH 45

FIRE PROTECTION DISTRICTS

- Benefit charge authorizations: *SSB 6182, CH 294

FIREARMS

- Assault weapons tax, imposition, rate: HB 2540
- Building being used for judicial proceedings, prohibited in: SHB 2863
- Concealed weapon permits, ineligible persons: HB 2271
- Firearms range committee, membership and duties, grant program administration: HB 2743, *SSB 6726, CH 195
- Forfeited: HB 2852, SHB 2979, HB 2990
- State capitol building lands, prohibited in structures: HB 2350, HB 2863

FISHERIES, DEPARTMENT

- Crab fishing, study: HB 1648
- Emerging fisheries, commercial harvesting: HB 1851, *HB 2290, CH 63
- Family fishing days, authorization, rulemaking authority: *HB 2292, CH 34
- Fisheries 2000 council, duties: SB 6797
- Fishing associated litter, public education duties: HB 2304
- Floating net pens, department pens, priority over private net pens: HB 2321
- Goodwill games, complimentary fishing licenses for participants: SB 6250
- Group fishing permits: HB 2688, *SHB 2293, CH 35
- *Open season" defined: *SHB 2293, CH 35
- Publications, sale of advertising authorized: SHB 1939
- Recreational fisheries enhancement plan, progress reporting requirements: SB 6768, *HB 2942, CH 91
- Salmon, sale of salmon taken in test fishing operations authorized: *HB 2294, CH 36
- Sea cucumber fishing, endorsement to commercial shellfish diver license, administrative duties: *HB 2291, CH 61
- Sea urchin endorsements, issuance and renewals, duties: *HB 2868, CH 62
- Shrimp bottom trawling: SSB 6696

FISHING, COMMERCIAL (See also FISHERIES, DEPARTMENT; SALMON)

- Bait packaging, nonbiodegradable materials prohibited, educational material: HB 2304
- Business and occupation tax, exemption for fishermen subject to enhanced food fish tax: HB 2900
- Chehalis river basin fishery resources study and restoration act of 1989, requesting Congress to enact: HJM 4032
- Columbia river, fishing restrictions near mouth of the Cowlitz river: HB 2580
- Drift area rights on the Columbia river: HB 2400
- Driftnets, requesting ban: HJM 4033
- P Hood Canal, harvest phased out: SSB 5146
- License fees, Columbia river smelt: HB 2961
- Marine fish enhancement research program: SHB 1037
- Pooling of funds by commercial fishers, definition of insurer: *SB 6564, CH 130
- Regional fisheries enhancement groups, organization and funding: SHB 2267, *2SSB 6310, CH 58
- Violations of fisheries laws, penalties: *SSB 6377, CH 144

FISHING, RECREATIONAL (See also FISHERIES, DEPARTMENT; FISHING, COMMERCIAL; SALMON)

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TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT

- Business and job retention program: SHB 1495
- Business assistance center, minority-owned business specialist position created: HB 2973

TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT—cont.

- Business assistance center, corporate complaints regarding allegedly unfair administrative rules: SSB 5542
- Economic growth, state-wide, department duties: SHB 2881, HB 3003
- Environmental coordination procedures act, administrative duties: SB 6172
- Hanford reservation leased lands, promotion of sublease possibilities duty: *SSB 5993, CH 281
- Industrial competitiveness program, departmental duties: HB 2938, SSB 6325
- Industrial growth demonstration pilot project: SHB 2921
- International education, sponsorship of conference: SHB 2646
- International trade offices, policy authority: 2SSB 6202
- Recovered materials, exemption of carriers from rate regulation, evaluation: *SB 6700, CH 123
- Recycling markets committee, contracts, matching funds requirements: *SB 6577, CH 127
- Shared foreign sales corporation model development: SSB 5106
- Tokyo office, study of colocation efforts with department of agriculture: SSB 5004
- Washington technology center, administrative duties: 2SHB 2023

TRANSPORTATION

- AMTRAK activities: *SHB 1825, CH 43
- Budget, supplemental: HB 2530, *SB 6408, CH 298
- Elderly and disabled citizens, appropriation to provide specialized services: HB 3013
- Food products, prevention of contamination during transport: HB 2325, HB 2821, *SB 6164, CH 202
- Food products, vehicle marking requirements: HB 2479, 2SHB 2270
- Grant county wayport and high-speed transportation development study: *SCR 8437
- High occupancy vehicle lane development program, employer tax and motor vehicle excise tax surcharge authorized: *SHB 1825, CH 43
- Local option revenue generation, governor's proposal: HB 2528, *SSB 6358, CH 42
- Motor vehicle fund, retention of moneys, increase in percentage retained: HB 2978
- Planning, receipt of state funds, comprehensive plan or implementation of current transportation plan prerequisite: HB 2332
- Regional transportation planning organizations: SHB 2841, *SHB 2929, CH 17 E1
- State facilities, parking and transportation management programs: *HB 2802, CH 206
- Tax rates and distributions, governor's proposal: HB 2528, *SSB 6358, CH 42

TRANSPORTATION COMMISSION

- Columbia river, second bridge at Longview, study requirements: *SSB 6697, CH 87

TRANSPORTATION, DEPARTMENT

- Adopt-a-highway litter control program: HB 2514, *SSB 6649, CH 258
- Aircraft noise mitigation activities, duties: SHB 2713
- District 1 headquarters facility, general obligation bonds to fund acquisition: *SB 6897, CH 293
- Edgestriping requirements: HB 3034
- Emergency highway repair contracts, authority to approve: *HB 2882, CH 265
- Environmental enhancement programs for road building programs: 2SHB 2957
- Ferries, county operated, deficit reimbursement: HB 2434
- Food products, cargo tank marking, disclosure, and cleaning requirements, rulemaking authority: HB 2270, HB 2479
- Public transportation and commuter vehicle lanes, designation effective during peak weekday hours: HB 2793
- Rail line salvage, conditions: SHB 2649

TRANSPORTATION, DEPARTMENT—cont.

- Scenic and recreational highway system, additions, assessment and designation of, considerations: *SSB 6426, CH 240
- Spokane river toll bridge, reversion of ownership to city of Spokane, duties: HB 2216

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- Industrial and high-technology investments, programs to attract: *2SSB 5993, CH 281

TRUCKING

- Food products, rehabilitation of vehicles used to carry nonfood items, certification and inspection: 2SHB 2270
- Motor carrier freight brokers and forwarders, registration: *HB 2989, CH 109
- Nonmoving violations, truck drivers may be represented by their companies: HB 2768
- Overloading a vehicle, traffic offense: *HB 2716, CH 217

TRUCKS

- Length requirements, federal law: *SB 5593, CH 28
- Loose load containment requirements: HB 2313

UNCLAIMED PROPERTY

- Bailees, reimbursement from sale of unclaimed property: *HB 2262, CH 41
- Local governments, unclaimed intangible property: HB 3039, *SB 6913, CH 1 E2
- Local governments, recordkeeping and retention requirements: SHB 2833, SB 6909

UNDERGROUND STORAGE TANKS

- Pollution liability insurance program, program design, contracting, and consultation duties: *SHB 2609, CH 64

UNEMPLOYMENT COMPENSATION

- Agricultural employers, voluntary combined reporting: SB 6761, *SHB 2426, CH 245
- Agricultural workers over age eighteen, coverage: SSB 5830
- Benefit charges for part-time employees, employer relief: HB 2812
- Benefit year, defined: HB 2703, HB 2770, SB 6567, *SHB 2426, CH 245 Disqualification, work related criminal activity: SHB 2772
- Disqualification, unauthorized use of alcohol or drugs: HB 2757
- Employer contributions: *SHB 2426, CH 245
- Lockouts, eligibility of workers: HB 2250, HB 2432
- Nonresident aliens, services of nonimmigrant while temporarily present are not employment: *SHB 2426, CH 245
- Nurses, independent contractors, exclusion from coverage: HB 2922
- Overpayments, recovery: HB 2771, SB 6567, SB 6568, *SHB 2426, CH 245
- Temporary employment, deductions from weekly benefits for earnings: HB 2769

UNIFORM COMMERCIAL CODE

- Funds transfers, article 4A added to code: HB 2790
- "Holder" and "money" redefined: *HB 2633, CH 228

UNIVERSITY OF WASHINGTON

- Henry M. Jackson school of international studies, development duties: SHB 2653
- High-technology center, duties: 2SHB 2023
- School of medicine, limited medical licenses for fellows: *HB 2469, CH 160
- Warren G. Magnuson institute for biomedical research and health professions training: *2SHB 2443, CH 282

UTILITIES

- Conservation investments: SSB 5948
- Delinquent rates or charges, liens, penalties, and interest: HB 2374

UTILITIES—cont.

Rates, low income disabled citizens: *SB 6802, CH 164

Rights of way over state lands opened to public hiking or horseback riding, conditions: SB 6334

UTILITIES AND TRANSPORTATION COMMISSION

Alternate operator services, registration and service requirements: *HB 2526, CH 247

Energy conservation and efficiency investments: *SHB 2198, CH 2,

Freight brokers and forwarders, registration, compliance: *HB 2989, CH 109

Package delivery services, regulation: HB 2902

Public utility districts subject to commission jurisdiction and control: SB 5908

Public water systems rates, inclusion of normal maintenance costs: HB 2862, *SSB 6446, CH 132

Radio communications services provided by a regulated telecommunications company, exemption: SB 6512, *HB 2525, CH 118, SB 6512

Railroad crossing inspection fees: SB 5555

Recovered materials, regulation of motor freight carriers: *SSB 6700, CH 123

Recyclables motor freight carriers, exemption from regulation: HB 2571

Regulatory fees, due dates for payment: *HB 2527, CH 48

Solid waste disposal facilities, fees and charges, changes, notice requirements: HB 2723, SSB 6611

State-wide enhanced 911 system study: *SSB 6827, CH 260

Telecommunication companies, competitive classification petition submitted with application for registration: *SB 6510, CH 10

Telephone assistance program, renewal: *HB 2546, CH 170

VETERANS

Hunting and fishing licenses, free licenses: SSB 5087

Park passes, disabled veterans, free lifetime: HB 2835

Property tax exemption for real and personal property used for fund-raising activities: SSB 6243, *HB 1307, CH 283

Submarine veterans of World War II, representation on veterans' affairs advisory committee: HB 2346, SB 6421

Toxic chemicals, requesting support for veterans exposed: HJM 4031

Vietnam service bonus, eligibility and applications: HB 2830

VETERINARIANS

Prescriptions, out of state prescriptions may be filled by pharmacies in Washington: *SSB 5594, CH 219

VICTIMS OF CRIMES

Civil action against supplier of pornography if viewing was proximate cause for commission of crime: SHB 1537

Community-based treatment for victims of sex crimes, governor's community protection act: 2SHB 2384, *2SSB 6259, CH 3

Compensation, governor's community protection act: 2SHB 2384, *2SSB 6259, CH 3

Driving while intoxicated, victims' eligibility for compensation: HB 2660, *SSB 6668, CH 73

Office of crime victim services, creation, organization, and duties: HB 2284

Residents eligible for compensation for acts committed outside of Washington: HB 2660, *SSB 6668, CH 73

VIDEO COMMUNICATIONS

Information services board, state-wide video telecommunications system development, duties: 2SSB 6219

Information services department, lead agency to state agencies: *SHB 2403, CH 208

VITAL RECORDS

Birth certificates, information required: HB 2796
 Local registrars' duties: *SHB 1264, CH 99

VOCATIONAL EDUCATION

Cooperative vocational education grant program: HB 2851
 Educational technology services, superintendent of public instruction: HB 2427, 2SSB 6337
 Innovations in vocational education program for the twenty-first century: 2SSB 6337
 Instruction, student-teacher ratio: 2SSB 6337
 Instructors at vocational-technical institutes, exemption from salary and benefit limitations: HB 2884
 Local advisory councils, membership and duties: HB 2427, 2SSB 6337
 Private vocational schools, enrollment contracts, disclosure requirements: SHB 2915, *SSB 5545, CH 188
 Running start program: *2SHB 2379, CH 9 E1
 State board for vocational education established, successor to commission for vocational education: SHB 2742, *SSB 5545, CH 188
 Washington institute of applied technology, report regarding, state board for vocational education: SSB 6901

VOLUNTEERS

Adopt-a-highway litter control program: HB 2514, *SSB 6649, CH 258
 Community service, information and training to community leaders: HB 2745
 Immunity from civil liability for landowners who permit groups to use land for projects: SB 5424
 Retired senior volunteer programs, distribution of funds: HB 2274, SSB 6166
 Voluntary action, Washington state council, membership: 2SHB 2370

VOTING (See also ELECTIONS)

Absentee ballot: HB 1433
 Driver's license application or renewal, registration : 2SHB 1666, *SSB 6031, CH 143
 Registration, information required on application, insertion by applicant or registration officer: HB 2035
 Registration, high school students: HB 1109
 Registration, mail: HB 1129
 Voters' rights act of 1990: SHB 3000

WAGES AND HOURS

Child labor laws, enforcement, penalties for violations: SHB 3030
 Civil penalties for violations: HB 2788
 Employees reporting to work, payment for less than scheduled work: HB 2908, SHB 2916
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 Wage deductions, authorized purposes: HB 2564

WASHINGTON AMBASSADOR PROGRAM

Data collection and dissemination: SSB 5001

WASHINGTON CONSERVATION CORPS (See CONSERVATION CORPS)**WASHINGTON STATE UNIVERSITY**

Environmental and molecular sciences, state center, Tri-Cities campus: SHB 2879
 Equine program, department of animal sciences and college of veterinary medicine: HB 2843
 Hazardous substance research group, agricultural land study: HB 3032
 Paralytic shellfish poisoning monitoring: HB 2826
 Southern Puget Sound water quality, field agent duties, matching fund requirements: *SSB 6326, CH 289

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Sustainable agriculture program: SHB 2593

Waste management education program feasibility study: *2SSB 5996, CH 158

WASTE (See also HAZARDOUS WASTE)

Fishing bait packaging, nonbiodegradable materials prohibited, educational material: HB 2304

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Sludge and waste disposal in agricultural areas, study: HB 2333

State agencies and local governments, waste reduction, recycling, and procurement plan: SHB 2570

WATER

Ground water, withdrawals, end of fifty thousand gallon exemption: SHB 2741, SHB 2929

State water resource program, comprehensive: *SHB 2932, CH 295

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Benefits for commissioners and employees: SHB 2539

Electorate, expansion in districts with fifty or fewer residents, procedures: SB 5900

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Puget Sound water quality advisory board, successor to Puget Sound water quality authority: HB 2176

Puget Sound water quality protection, adoption of rules of less than state-wide coverage by agencies, requirements and considerations: *SHB 2482, CH 115

Sediment and water quality standards affecting sediment, study: HB 2958

Southern Puget Sound water quality, field agent duties, matching fund requirements: *SSB 6326, CH 289

Water discharge fees, administrative expenses for indirect dischargers: HB 2936

Water quality account funds, water pollution control activities: HB 2589

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Purple loosestrife control and eradication: 2SSB 6291

Union Bay wetland management area: HB 2431

Wetland management act of 1989: SHB 1392

Wetlands management act of 1990: HB 2729

WILDLIFE

Acquisition of land for wildlife conservation and outdoor recreation, funding: SHB 2568, HB 3012, HB 3025, HJR 4229, *SSB 6412, CH 14 E1

Elk and deer, requesting that commercial sales be prohibited: SSJM 8014

Lake Roosevelt wildlife mitigation demonstration project, steering committee organization and duties: SSB 6836

Real estate excise tax, wildlife conservation and outdoor recreation account: HB 3024

Wildlife area passes: HB 2682

Wildlife rescue coalition, establishment: 2SHB 2208, *2SHB 2494, CH 116

WILDLIFE, DEPARTMENT

Duties and responsibilities, update and revision of statutes: *SHB 2576, CH 84

Firearms range program, duties: HB 2743, *SSB 6726, CH 195

Fishing associated litter, public education duties: HB 2304

Floating net pens, department pens have priority over private net pens: HB 2321

Goodwill games, complimentary fishing licenses for participants: SB 6250

Hunting permits, special hunts, sale by raffle or sealed bid authorized: HB 2577

Lake Roosevelt wildlife mitigation demonstration project, duties: SSB 6836

Search and rescue fund, surcharge on hunting and fishing licenses: SB 6038

Steelhead and game fish production: *2SSB 5845, CH 110

WILDLIFE, DEPARTMENT—cont.

Wildlife area passes: HB 2682

Wildlife rescue coalition, establishment: 2SHB 2208, *2SHB 2494, CH 116

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Requisites: *SB 6392, CH 79

WOOD BURNING STOVES

Local authorities, wood burning stoves, use during periods of impaired air quality: *SSB 6698, CH 128

Pellet stoves, use during periods of impaired air quality: HB 2738, SB 6506, *SSB 6698, CH 128

Retail sales, department of ecology to set fee on stoves sold: HB 2679, *SSB 6698, CH 128

Solid fuel burning devices, performance standards, use during period of impaired air quality: SHB 2664

WOOD PRODUCTS

Import of, authority of governor to place restrictions: HB 2846

Labeling, consumer education, attorney general's duties: HB 2845

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Compensation rate, adjustment for aggravation, diminution, or termination of disability: HB 2697

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Disability compensation, calculation and payment procedures: HB 2696

Disputed claims: HB 2497

Disqualification for injuries from the unauthorized use of alcohol or drugs: HB 2756

Health care information, release to employer, department, and claimant: SSB 5754

Industrial insurance appeals board, addition of two members: HB 2749

Industrial insurance labor-management cooperation program: HB 2491, SSB 6383

Industrial insurance premium refund account created: *HB 2362, CH 204

Jockeys, coverage: HB 2820

Maritime occupations, coverage: HB 2511, HB 2787, SB 6669

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Ministers, organists, and soloists, coverage: HB 2175

Nurses, independent contractors, exclusion from mandatory coverage: HB 2923

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Permanent total disability benefits, calculation: HB 2501

Reopened claims, payment procedures: HB 2697, HB 2698

Responsibilities of insurance commissioner transferred to department of labor and industries: HB 1791

Retrospective rating employer, medical examination and treatment of injured worker: SB 6740

Self-insurers, claims processing procedures: HB 2700

Self-insurers, closure of disability claims after July 1990: HB 2800

Self-insurers, industrial insurance management organization: HB 2487

Self-insurers, irrevocable letter of credit, proof of financial ability: SB 5808, *HB 2485, CH 209

WORKERS' COMPENSATION—cont.

State agencies and institutions of higher learning, safety and return-to-work programs: *HB 2362, CH 204

Supplemental pension funds, investment: *HB 2503, CH 80

Tax arrearages, notice and order to withhold requirements: HB 2499

Temporary total disability benefits, calculation: HB 2501

Temporary total disability, child support payments, treatment: HB 2382, HB 2806

Vocational rehabilitation services, retraining period, job placement assistance: HB 2695

YAKIMA COUNTY

Criminal justice enhancement, appropriation: SB 6910

Industrial growth demonstration pilot project: HB 2921

Jail facilities, appropriation: *SHB 3035, CH 13 E1

Safe neighborhoods pilot program established: HB 2647